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Ohio Report, Tuesday, April 26, 2016

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**GONGWER** Ohio
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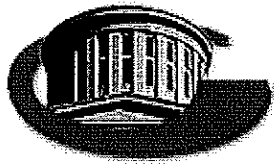
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #80 -- Tuesday, April 26, 2016

OEPA, Proponents Push For Quick Passage Of Lead Contamination MBR Bill

Witnesses and lawmakers expressed broad support Tuesday for the administration's Mid Biennium Review measure to strengthen lead contamination notification timelines.

But Rep. John Boccieri, whose district last year faced its own lead crisis, said the bill (HB 512) needs more work to prevent a reoccurrence of the Sebring situation.

"If this were lead pipes going into the Statehouse or lead pipes going into the governor's mansion or some affluent suburb of Columbus this would have been executed a lot differently," the Poland Democrat said of Sebring during the bill's first hearing before the House Energy and Natural Resources Committee.

Rep. Boccieri last winter tangled with the Ohio Environmental Protection Agency, accusing the administration of ignoring his questions after it was discovered the Village of Sebring suffered lead contamination for five months before the public was notified. In response, the agency accused Rep. Boccieri of "playing politics." (See Gongwer Ohio Report, February 2, 2016)

The interaction between Rep. Boccieri and OEPA Director Craig Butler, who testified before the committee, was more cordial Tuesday, with the representative thanking the director for the agency's "robust state effort to correct this public health crisis."

But his comments were enough to prompt Chairman Rep. Al Landis (R-Dover) to request the committee limit its questions to the bill's specifics.

"In my opinion, we are here because of a failure of the state legislature to give you the resources to administer a program that has been demagogued from both sides of the aisle and to the point where we don't have the resources, both at the local water authority level and at the state level, to adequately respond to a public health crisis," Rep. Boccieri told Mr. Butler.

Mr. Butler said the "bill will go a long way in strengthening public trust among Ohioans and the drinking water in their communities."

He said recent lead contamination incidents only serve to erode the public trust and that the "broken" federal lead and copper rules need the "substantial overhaul" the U.S. EPA plans to implement in the coming years.

"That said, however, Gov. Kasich and I also believe that Ohio must move quicker than these extended federal timeframes to change the lead and copper program," Mr. Butler said, urging swift passage of the bill.

"Changes are needed now to meet the public's expectation that water from nearly 1,900 public water systems in Ohio is safe from elevated levels of lead and that if excess lead is found...individual homeowners and communities at large are quickly notified and provided with appropriate health-based guidance to minimize exposure while problems are identified and fixed."

Rep. Tim Ginter, in sponsor testimony, highlighted the expedited timeframe of the bill, which cuts the 30-day testing notification deadline to two business days and the 60-day in depth public education program deadline to

30 days.

"This legislation will improve our state's regulations by reducing lead in new construction, strengthening community water testing requirements and implementing new requirements for corrosion control studies," Rep. Ginter said.

Mr. Butler called those current notification timelines "ridiculous." But Rep. Bocchieri questioned whether the administration's two-day notification timetable is feasible if local water authorities with small staffs and budgets are the ones doing the testing.

"My question is we're all for timely notification and we want to do that in a responsible manner, but how can we ask local water authorities to do something the EPA can't do presently?" he asked.

Mr. Butler said the OEPA and local systems can rely on technology - email, phone calls - and any other means to communicate with the public. In the event of a wide scale contamination, he said the reverse 911 systems, the news media and social media would be options.

"I think it is well within the technology we have today to be reporting back to the community as quickly as possible," he said.

Rep. Bocchieri suggested utilizing the existing water testing and notification process of county boards of health, which currently can only legally test private water sources. Both Rep. Ginter and Mr. Butler expressed openness to the idea.

"I think that's an idea worth considering," Mr. Butler replied, while adding that some smaller, rural boards may not have that capability.

The bill appropriates \$10 million in capital funds to use for grants to public and private schools to assist with the replacement of drinking fountains, plumbing fixtures and other possible lead sources. Each building could receive up to \$15,000 in assistance, Mr. Butler said.

Responding to a question from Rep. Stephanie Howse (D-Cleveland), Mr. Butler said the total cost of those replacements are unknown, although he said the department believes the bill's dollar amount is sufficient to address the need.

Ohio Environmental Council Director of Oil and Gas Policy Melanie Houston in her testimony called the bill "responsive, reasonable and the responsible thing to do."

"To those who say that these timelines are too aggressive, I ask: what if it were your child or your niece or nephew who was exposed to lead?" she said.

Although she believes the bill a piece of "solid legislation," she proposed several changes she said are urgent, including language requiring:

- Schools and daycare providers conduct annual lead sampling and testing
- Mandatory disclosure of lead service lines and lead plumbing in home sales and rental contracts
- Professional training programs for drinking water operators

"We respectfully but vigorously urge the General Assembly to pass HB512 before the summer recess," Ms. Houston said. "Your yes vote will protect all children in Ohio, while a no vote may needlessly leave many children vulnerable."

Geoff Guss, owner of lead-free pipe manufacturer McWane Ductile in Coshocton, also expressed his support for the bill in proponent testimony.

Farmers Back Tax Break To Ease Cost Of Manure Storage Facilities Under Environmental Mandates

The bill has some clout given the sponsor is the chairman of the House Agriculture Committee and farming is Ohio's top business, but it also comes with a potentially hefty price tag in terms of revenue loss to the state, according to a Legislative Service Commission analysis.

Throw in the fact that the thrust of HB 297 stems from Ohio's efforts to address algae blooms in Lake Erie and other environmental concerns, and the conundrum for policymakers becomes clearer.

The House Ways & Means Committee on Tuesday delved deeper into the legislation, which proposes a refundable personal income tax credit, retroactive to 2005, for half the cost of manure storage facilities and related equipment.

The upgrades, which many farms need under law changes aimed at containing manure runoff and improving water quality in the Lake Erie watershed (SB 1), threaten the financial viability of small- and medium-sized farms, operators told lawmakers in testimony.

However, LSC reports in a Fiscal Note on the measure that providing the tax break to affected farmers could cost the state "tens of millions" a year in revenue. Since the bill would allow for tax write-offs dating back to upgrades completed as early as 2005, LSC notes "the revenue loss for the first few years would likely be larger than revenue losses in later years, and would be likelier to approach tens of millions."

Because the bill provides for the tax breaks to be spread out over five years, the impact to state coffers would extend to 2024, according to LSC.

Among several farmers and farming interests to testify Tuesday, Paul Haskins, a dairy farmer from Knox County and a member of the Ohio Dairy Producers Association, summed up the dilemma for business operators who pride themselves on their independence.

"As a dairy farmer and an independent business owner it is not comfortable to be in a position whereby we are seeking financial support for our business, however, the topic we are addressing today warrants some serious consideration to keep Ohio's small and mid-size dairy farms in business," he said.

Mr. Haskins, whose family currently has 200 head of dairy cattle with facilities to milk 150, is facing a significant investment in manure storage facilities in order to comply with the new state mandates, he said.

"To have engineers design and build just 4 months of manure storage to get us through the winter for our small 150 milking herd, we are facing a nearly \$250,000 investment," he said. "Due to the excessive cost, we have investigated other solutions that will meet environmental regulations and be less expensive to build. The engineering design we are presently considering is estimated around \$185,000. While it is a \$60,000 savings, it is still going to cost us in excess of \$1,000 per cow."

Rob Bouic, a dairy farmer in Union and Madison counties, and other witnesses shared similar financial challenges related to the cost of manure separation equipment and storage facilities. All told, the costs could approach \$300,000, he said.

Lee Kohler, a fifth generation dairy farmer from Fairfield County, likewise said the cost of shoring up his facilities would be about \$1,000 per cow.

"The dairy and farm economy is simply not providing a sufficient milk price to bare the extra cost that I would need to invest," he said. He added that he applied for the Natural Resources Conservation Service EQIP program assistance, "however, due to the priority of the Western Lake Erie Basin and the Grand Lake St. Mary watersheds, no federal financial support is available to us."

Scott Higgins, CEO of the ODPa, said the farmers' stories are not unique.

"I cannot count the number of farmers who have reached out concerned about new manure requirements and the financial hardship they are enduring," he said.

"Ohio's dairy industry is strong, but like all industries, is subject to market demands and regulatory obstacles that all play a role in the livelihood of our industry. We have spent a good part of the last couple of years on legislative hearings dealing with water quality. This is admirable and ODPa has been supportive of these efforts," Mr. Higgins said.

"At the same time that these new regulatory requirements are becoming law, the milk prices are very low and farms are struggling to continue to cover their existing overhead, feed their cattle and provide for their families and employees."

Also testifying in favor of the legislation was Adam Ward, executive director Ohio Soybean Association, Sasha Rittenhouse, vice president of the Ohio Cattlemen's Association, and Tony Seegers, director of state policy for the Ohio Farm Bureau Federation.

Mr. Ward said the economies of his group and livestock farmers go hand in hand.

"The members of OSA and other agriculture organizations have encouraged farmers to do the right thing and utilize best management practices when applying fertilizer and manure to farm fields. The industry has also seen major financial commitments made to municipalities to help them manage their water quality issues," he said.

"H.B. 297 does not ask the citizens of Ohio to build these storage structures, but the state's tax investment would show Ohio's commitment to a strong agricultural economy while protecting our most vital resource - our fresh water lakes and streams."

Mr. Seegers said the financial impacts of SB1 are just now starting to hit home for the smaller operations.

"Our farmers have demonstrated their commitment to be good stewards of the land by implementing both voluntary conservation measures as well as practices that have resulted from new regulatory provisions such as in SB1," he said.

"Even so, some of the smaller livestock farmers are struggling to comply with the manure storage capacity needs that resulted from the bill's restrictions on nutrient application. Because SB1's provisions became effective last year, many farmers have not had the time or the financial resources to construct more manure storage or invest in additional equipment."

The witnesses had the sympathy of many lawmakers present for the hearing but also faced some skepticism regarding the lookback period and other aspects of the bill.

Rep. Denise Driehaus (D-Cincinnati), for example, questioned the need to make the credits retroactive to 2005.

"It seems to be that this, moving forward, makes a lot of sense as these structures go up," she said.

Mr. Ward said he could only address the issue back to 2010, when former Gov. Ted Strickland's administration was dealing with the algae problem in Grand Lake St. Marys and manure facilities were being constructed. "At that time they were forced to do more," he said of the farming mandates.

Reps. Rob McColley (R-Napoleon), John Rogers (D-Mentor-on-the-Lake) and Michael Henne (R-Clayton) sought more information from the witnesses regarding the tax implications.

Mr. Henne, for instance, questioned whether there would be an opportunity for farmers to "double dip" on the tax benefits of the bill due to the refundable nature of the credit.

Mr. Higgins said that was not the intent of the proposal.

Mr. McColley said he was sensitive to the farmers' dilemma but also wanted to keep in mind the cost impacts to the state.

Rep. Jack Cera (D-Bellaire) asked Mr. Higgins if supporters were OK with removing Concentrated Animal Feeding Operations from the bill.

The witness said the groups were open to discussing such changes given their concerns regarding the impacts of regulatory changes on the small and medium-sized farming operations.

Subscribers Note: Full testimony on the bill is available on the Ways & Means Committee website under April 26.

Local Governments, Others Throw Support Behind Expedited Foreclosure Bill

An expedited foreclosure process for vacant or abandoned residential properties would help to combat blight, witnesses told members of the House Financial Institutions, Housing & Urban Development Committee Tuesday.

The measure (HB 463) will speed up a process that currently takes 18 months or more, according to Lindsey Gardiner, manager of government affairs at the Greater Ohio Policy Center.

"Blight is often contagious, especially in weaker-market neighborhoods, and can deteriorate property values and lead to lower or unpaid property taxes," she said in interested party testimony. "If there was ever a better time for our legislature to address foreclosure policy, that time is now."

Once opposed to the bill, the city of Cincinnati is now in support following some changes.

Jessica Powell, chief counsel of quality of life and affirmative litigation in the city's law department, told the committee the bill "provides a much-needed and well-balanced remedy to address the problems surrounding vacant properties that need to go through the foreclosure process and get back into productive use."

"It does so in a way that is respectful and mindful of the needs of many stakeholders - including banks, homeowners, political subdivisions, land banks and neighborhoods," she added.

In interested party testimony, Sally Martin, housing manager for the city of South Euclid, asked the committee to consider additional amendments to the bill, including one addressing the elimination of a minimum bid requirement after no sale at a first auction.

"Removing the two-thirds minimum bid requirement, and allowing properties to sell for as little as \$1 dollar, will further reduce the revenue that counties desperately need," she said. "Create a mechanism that would funnel properties to municipal or county land banks upon request in cases where no bids occur."

Rep. Bill Reineke (R-Fremont) questioned if it would be better to allow the private sector to take ownership of properties rather than eliminating the minimum bid.

Ms. Martin said it would benefit "bottom-feeding speculators."

Ms. Martin also asked members to reconsider a provision of the bill that would allow for assignees of notes and mortgages to foreclosure even when those documents have been lost.

"Federal and local courts across the country have criticized the lending industry for the irresponsible way that notes and mortgages have been issued and transferred," she said. "At present homeowners in Ohio facing foreclosure can raise the lost instrument as a defense in their case. If one of the goals of House Bill 463 is to minimize the damage to communities from vacant property, it makes no sense to remove a defense that could help keep a home from going vacant."

Former Attorney General Marc Dann also provided testimony on behalf of Families for Foreclosure Fairness, saying the bill could "be a vehicle to restore hope for Ohioans who chose to fight to keep their homes."

The County Treasurers' Association provided written testimony requesting that changes be made to the bill "to ensure all easily calculable taxes are paid out of the proceeds of a judicial sale or sold by administrators, executors and trustees."

Representatives the Ohio Recorders' Association and the Ohio Manufactured Homes Association also provided written testimony in support of the bill. The Ohio Judicial Conference provided written interested party testimony.

The bill was also amended to include some corrective language changes, to allow 18 months for a political subdivision to file a motion for sale of property and to allow unpaid taxes to remain as a lien on a property following the sale.

House GOP Makes Leadership Changes Official; Wednesday Floor Vote Set

The House majority caucus on Tuesday voted to elevate Rep. Kirk Schuring (R-Canton) and Rep. Sarah LaTourette (R-Bainbridge Twp.) into leadership positions.

The move had been expected since Speaker Cliff Rosenberger (R-Clarksville) informed the GOP caucus last week that he had asked the two lawmakers to seek the positions after Rep. Barbara Sears (R-Maumee) and Rep. Mike Dovilla (R-Berea) opted to relinquish their slots. (See Gongwer Ohio Report, April 22, 2016)

Reps. Dovilla and Sears will both exit the House at the end of the year, with the former having lost a Senate bid and the latter facing term limits.

Two other current members of leadership who also face term limits - veteran Reps. Ron Amstutz (R-Wooster) and Jim Buchy (R-Greenville) - will retain their current posts. Rep. Dorothy Pelanda (R-Marysville), the current assistant majority whip, will move up one position.

Following Speaker Rosenberger, the new House GOP hierarchy will be: Reps. Amstutz (speaker pro tem), Schuring (majority floor leader), Buchy (assistant majority floor leader), Pelanda (majority whip) and LaTourette (assistant majority whip).

"During their time in leadership, Representatives Sears and Dovilla were tremendous assets to our caucus and to the Ohio House of Representatives. I am grateful for their diligent service and dedication, and I am eager to continue working with them throughout the remainder of the 131st General Assembly," the speaker said in a statement.

"As we move forward, I am confident that Reps. LaTourette and Schuring will continue to provide strong and steady counsel on policy initiatives as we work together to improve the quality of life for all Ohioans."

The moves are designed to provide continuity heading into the next General Assembly, when Republicans are expected to retain control of the chamber and all of the returning members of leadership plan to run again for election to the team. It leaves two slots available to current House members or incoming lawmakers.

The latter category includes Senate President Keith Faber (R-Celina) and Sen. Bill Seitz (R-Cincinnati), who along with Larry Householder are former House members favored to win seats in the general election. Mr. Householder is also a former speaker.

The formal vote on the new leadership team is slated for Wednesday's full House session.

House Panel Dives Into Capital Appropriations Bill

Members of the House Finance Committee got their first look at the \$2.6 billion capital appropriations bill on Tuesday, with many lawmakers questioning how the package supports various state programs and facilities.

Office of Budget & Management Director Tim Keen said the measure provides the funding needed to renovate and rebuild key state assets, higher education facilities and school districts, among other things.

The director said many of the projects are supported by long-term debt, and added that the spending level is fiscally responsible and will maintain current state bond ratings.

Mr. Keen noted the administration again employed a higher education planning process that resulted in an agreed-to distribution of funds to public colleges and universities.

Higher education funds also support strategic investments and development of world-class academic programs, he said.

Funding for the school building program will allow the Ohio School Facilities Commission to continue projects in 49 districts and offer support for 40 more.

Mr. Keen added the bill also provides funding for important local government infrastructure and popular Clean Ohio renovation programs.

Among key state agency allocations are funds to the Department of Natural Resources for the renovation of dams, state parks and forests; Department of Rehabilitation and Correction for a series of prison improvement projects; Department of Youth Services for youth facility enhancements and the Department of Administrative Services for Rhodes Tower, State of Ohio Computer Center and other renovations.

The bill includes language authorizing the issuance of certificates of participation for four key technology projects, Mr. Keen said. Among them are supporting improvements to the Enterprise Data Center Solutions, which includes upgrades to the Ohio Business Gateway. The Ohio Administrative Knowledge System and State Taxation Accounting and Revenue System would advance through the bill, as would a replacement of an aging fingerprint and criminal history system at the Attorney General's Bureau of Criminal Investigation.

Mr. Keen told Rep. Denise Driehaus (D-Cincinnati) that the amount of the capital bill is determined by a number of factors, including the overall capital needs, available bonding room and more.

"I think we've tried to strike a balance," he said. "We tried to be restrained, we tried to address the capital needs that came to our attention."

She also raised concerns about the state appearing to only support the "green" side of the Clean Ohio program, while tending to "ignore" the "brown" side that deals with site remediation.

Mr. Keen said many decisions about grants dealing with site remediation are made by JobsOhio, and said a change could be tied to a policy decision to move away from grants.

Rep. Kevin Boyce (D-Columbus) questioned how the bill provides support to Central State University.

Mr. Keen said the administration worked closely with CSU to assess operational situations and capital needs. He said university is slated to receive \$10.4 million, which includes an allocation intended to complete a library project and a technology project.

Rep. Cheryl Grossman (R-Grove City) said she is pleased the state is speeding its work on lodge maintenance, but raised concerns that a large majority of ODOT funding is allocated to highway construction.

She said Ohio should also be focusing on other transportation needs - including county bridges, ports and airports - to keep the state operating smoothly.

Mr. Keen noted that a portion of the gas tax revenues do go to local officials, and said the administration has pushed a process to upgrade a number of county bridges.

Rep. Mike Duffey (R-Worthington) noted the bill doesn't appear to include support for programs to help prevent sewage overflows by converting residents from septic tanks to sanitary sewers. Mr. Keen said the state has made significant water-related investments in recent years, and that some existing programs address that issue.

Rep. Kathleen Clyde (D-Kent) questioned the need for prison investments given the legislature's efforts to reform sentencing guidelines.

Mr. Keen said the state isn't building a new prison, but is looking to make changes that adapt to the changing inmate demographic. He said those changes are resulting in a need for more space at the Ohio Reformatory for Women and improvements at the Franklin Medical Center.

The bill is expected to move through panel quickly, with Rep. Kirk Schuring (R-Canton) indicating a vote is possible next week.

Medical Marijuana Committee Hears Calls For Ensuring Safety, Increasing Patient Access

A representative from children's hospitals on Tuesday urged a House panel examining a medical marijuana bill to focus more on the potential for future research, while patient advocates called for fewer restrictions to how users can obtain the drug.

The comments came as the House Select Committee on Medical Marijuana entered its second week of hearings on a bill (HB 523) that would legalize pot for medicinal purposes.

Ohio Children's Hospital Association President Nick Lashutka, who was a member of the House Medicinal Marijuana Task Force, said the association would prefer that any drug go through the U.S. Food and Drug Administration's approval process.

The association supports some elements of the bill, he said, including urging the federal government to make marijuana a Schedule II drug. That would allow for more research, requiring it to be recommended by a physician, data collection on what the medication has been prescribed for and its effectiveness, and incentives for more research.

Mr. Lashutka said the association wants the legislature to exempt medical professionals who prescribe marijuana for research purposes from the reporting requirements, add funding for poison control centers ahead of an expected spike in children accidentally taking the drug, include a ban on edibles and require that the drug be treated and labeled like a prescription. He also asked for the committee to consider creating an advisory committee of child health safety experts to advise the Medical Marijuana Control Commission.

"Our hearts go out to the patients and families we are privileged to serve who have devastating medical conditions such as seizure disorders," Mr. Lashutka testified. "Many of these families have been active participants in the Task Force hearings and before this Select Committee. These patients and families have our continued commitment to tirelessly work to explore and identify new treatments and cures to aid their conditions. "

"However, our responsibility is also to the other 3 million Ohio children who, if policy is not carefully crafted, could be negatively impacted by medical marijuana legislation - or a poorly written ballot initiative potentially embedded in the Ohio Constitution," he added.

Rep. Louis Terhar (R-Cincinnati) asked if the association would support Ohio unilaterally making marijuana a Schedule II drug to allow more research. Mr. Lashutka said he wasn't sure if that was possible, but he would support whatever is legally possible for the state or federal government to do to evaluate the efficacy of medical marijuana.

Ranking member Rep. Dan Ramos (D-Lorain) said the bill works to address the labeling of marijuana products in a way to avoid being seen as marketing to children. Mr. Lashutka said they mostly wanted to make sure the state would not allow packaging that could be attractive to children.

"Our intent for raising that with you and your colleagues is to make sure that any medication allowed by your legislation has the labeling to label it as such," he said.

Registered nurse Janet Breneman, speaking on behalf of the Ohio Cannabis Nurses Association, offered recommendations to the committee to improve the bill's benefits for patients.

The bill should protect patients and parents of children who have been recommended marijuana from legal action including arrest and denial of housing, she said.

"Without a specific provision, patients may be discriminated against when applying for or retaining housing; and we need to include non-discrimination provision for registered cardholders," she said.

She also recommended the legislature specifically allow whole-plant, smokeable marijuana.

"Restricting forms of delivery and access to dried flower will likely drive patients and supporters to the ballot initiatives," she said.

Ms. Beneman recommended the bill set limits for how much marijuana a patient can possess, up to a 90-day supply, and also urged Ohio to allow reciprocity with other medical marijuana states.

As for the personal cultivation of marijuana, Ms. Breneman said other states haven't seen widespread diversion of the homegrown product into the illicit market. There's also a large black market already, and allowing patients to grow marijuana won't have a huge impact on it.

"We already have a problem with people using it recreationally," she said. "I don't think that's going to go away."

Ted Bibart, a legislative analyst at Benesch, Friedlander, Coplan, & Aronoff, outlined some points that the committee should look at as a result of analysis of policies from different states.

He recommended lawmakers consider creating a list of conditions doctors could recommend marijuana for that the commission could add to but not remove from. He also suggested the legislature consider requiring the commission to allow specified forms of treatment, such as oils or smoking. The current bill language says the commission "may" allow them, he said. Some states have severely limited the forms of marijuana patients can use, and that has hindered their programs.

"What we've seen in New York, what we've seen in other areas, is that that has not only impeded the market, it has fueled the black market," he said.

He also urged the committee to consider allowing reciprocity with other states.

Subscribers Note: Full testimony is available on the [committee's website](#).

Registered Sex Offender, Others Speak Out Against Notification Measure

Two organizations and a registered sex offender spoke out on Tuesday against a measure that would require notification to be provided to every adult member of a household in which a sex offender lives.

The bill ([HB 535](#)) is being presented as a "clean solution to a particular and, as far as I'm aware, single instance when family members were unaware of an offense or offenses committed by a fellow family member who lives in the same house," according to Gary Daniels, chief lobbyist for the ACLU of Ohio.

Introduced by Rep. Margaret Ann Ruhl (R-Mt. Vernon), the bill stems from an incident in which one of her constituents was convicted of a sex crime and concealed the information from his wife for more than a year.

But Mr. Daniels said the bill "has ramifications that potentially go far beyond the isolated incident just mentioned."

He told members of the House Judiciary Committee that, left undefined, the term "residence" could include dormitories, homeless shelters, halfway houses, rehabilitation and treatment facilities, nursing homes and assisted living centers.

"Those subject to this reporting requirement will certainly not know all those they reside with but they will be required by law to learn every single person's name so they can be handed over to the local sheriff," he said. "I do not suspect such conversations will go well when someone is asked by a stranger at a treatment facility, nursing home or shelter what their name is and then proceed to ask why such information is needed."

The difficulty of complying with that requirement is compounded by the fact that many of the facilities mentioned have high rates for turnover, according to Mr. Daniels, who noted that failure to meet the reporting requirements could land an offender back in prison or jail.

He suggested that family members could be provided with notification by probation or parole authorities without changing current law.

Kari Bloom, legislative liaison for the Ohio Public Defender's Office, told the committee there are already myriad problems with the state's sex offender registry laws. She said the laws remove judicial discretion, place an added burden on sheriffs' offices and are overly inclusive and create a false sense of security for Ohio citizens.

The bill, she said, "does not address any of the identified problems with the sex offender registry, nor sex offender laws in Ohio. Rather, the bill speaks to a situation occurring inside a home; beyond the scope of the criminal justice system. Supporting testimony might entice you to be fearful of what could've happened in this situation, which is the same thought rationale that created our current sex offender registration laws."

Both Ms. Bloom and Mr. Daniels recommended the bill be put on hold until the Criminal Recodification Committee concludes its work.

Derek Logue, a registered sex offender, told the committee that the bill is "inane."

"I fail to see how, in a world where every single news article that features a registered citizen also provides a link to the state registry, where the sheriff sends out constant notices anytime a registered person moves, where the pillories are placed in schools and nursing homes, and on the internet, and how the registry is crammed down the collective throats of society, that Nancy Tapocsi can sit here and act like she wasn't aware of the registry's existence," he said, referring to the mother-in-law of the constituent of Rep. Ruhl who brought the matter to her attention.

"The entire gist of Nancy Tapocsi's argument is that her daughter didn't know she was marrying a registered citizen," he continued. "She did not state this man molested her child, she just stated this man was a jerk and she did not like him. I have a hard time believing her claims, considering the constant barrage of registry info already provided to the public, plus with police stopping at this man's residence constantly, as admitted in her testimony."

Barbara Wright, a member of Ohio Reform Sex Offender Laws, said the measure "will invade the privacy of innocent Ohioans, cost the state thousands of dollars, and add to the burgeoning prison population."

Ms. Wright told the committee that her 19-year-old son recently was required to register as a sex offender due to a relationship with his underage girlfriend. As a student at Ohio State, he will be required to notify all of his

roommates of his classification, she said, adding their information would be susceptible to hacking in a database.

"Rather than invade the privacy of innocent people and cost the state needless additional expenses, let's adopt a common-sense approach to letting a wife know she is living with a sex offender," she said.

Animal Advocates Urge Changes To Vicious Dog Bill

Proponents of a bill to strengthen laws pertaining to dangerous and vicious dogs told a Senate panel Tuesday the measure needs more work.

During the third hearing of the bill (SB-151) before the Senate Agriculture Committee, supporters praised the bill's intent of strengthening regulations to prevent attacks by dangerous canines.

But they argued the bill fails to hold negligent owners accountable and lobbied for some flexibility in language requiring a dog to be killed if it causes the death of another companion animal.

Sponsor Sen. Bill Beagle (R-Tipp City), in response, said he "wouldn't be surprised" if future changes were made to the bill as interested party meetings continue. But he urged witnesses to understand sponsors are receiving recommendations from those on all sides of the issue for changes "that are diametrically opposed."

"There are enhanced penalties here - always trying to strike a balance - so that owners like those get punished as they should," he said of irresponsible dog owners. "It's a difficult place to land to find one piece of legislation to accomplish all that."

Several witnesses presented interested party testimony, including Humane Society of the United States State Director Corey Roscoe, who said her organization believes strong dangerous dog laws are "one piece of the puzzle."

"We suggest a renewed focus on basics such as at-large laws, and laws regulating tethering of dogs outside, which is preventative in nature, and on funding enforcement agencies to allow for proactive enforcement in order to prevent incidents as opposed to allowing them to only respond to complaints," Ms. Roscoe said.

ASPCA Midwest Legislative Director Vicki Deisner echoed that call, adding that tethering can increase a dog's territorial behavior and thus foster aggression. She also urged lawmakers to loosen the bill's definition of what constitutes an injury sustained from a dog - which currently applies only to bites in the bill - and to add more deterrents for owners of dangerous dogs.

Dayton resident Donna Becker, speaking on behalf of eight animal welfare groups, said the bill addressed one half of the problem.

"We agree that a more carefully-defined process for declaring a dog vicious, dangerous or a nuisance is helpful, but it's clear that the real and continuing problem is at the other end of the leash," Ms. Becker said.

"Until the full weight of the law is brought to bear on irresponsible owners - from prompt and responsive enforcement, to vigorous prosecution, to substantial and effective punishments, to comprehensive post release supervision of the human offender - the problem of vicious, dangerous and nuisance dogs will remain festering in our communities," she said.

Proponent Tequilla Williams put a face on the issue by recounting the 2015 dog attack that killed her grandmother in Shaker Heights. She said her daughters, who witnessed the attack, are now traumatized and have trouble sleeping and being outside.

"My family suffers daily from this tragic loss; my daughters, Laniya and Alayah, are embedded with the horrific memories of a pit bull killing their great-grandmother," Ms. Williams said.

Citizen Carol Miller, in proponent testimony, said she too was attacked by a dangerous dog. She described her 2007 experience for the panel, adding there were 10 fatal dog attacks in the first three years of the passage of 2012 legislation to loosen vicious dog laws (HB14, 129th General Assembly).

"SB 151 creates accountability with felony charges for the owners of dogs that kill," Ms. Miller said. "There is no accountability in current Ohio law, when there is no consequence for violation of law, there is no compliance. This is human nature."

Animal advocate Jason Cooke said that although the bill would improve some dangerous dog laws, components of the legislation would also hamper the bill's intent.

For example, he disagreed with language requiring the killing of a dog that kills another companion animal. Does a dog that kills a family bird the owner failed to take adequate precautions for require death?" he asked.

"Another circumstance which often arises is two dogs from the same household engaging in a fight over resources or other triggers, and one of the dogs is mortally wounded," he said. "Again, we have a dog or dogs with not uncommon behavioral issues, possibly being the aggressor or the victim, being punished for an act which I do not deem worthy of euthanasia."

He said the bill also fails to address the grandfathering of existing dogs that would fit the definition of a dangerous dog under the bill.

"These are questions we really need to look at and address," he said.

Cincinnati resident Beth Sheehan said the bill contains many "valuable points," but that it "offers neither incentive to rehabilitate the irresponsible owner nor commonsense bite prevention."

"Instead, the bill causes the dog to suffer penalties, sometimes with its life, because of its careless owner," Ms. Sheehan said.

"Additionally, other states provide for declassification of the dogs after, for instance, a three-year period without a biting incident," Ms. Sheehan said.

She also requested legislators add language to make using a dog as a weapon during the commission of a crime an enhanced penalty.

Attorney DanaMarie Pannella of Hollard and Muirden submitted written interested party testimony, writing that although Ohio's current dangerous dog law "leaves much to be desired," but said the current bill "would create far more issues than this bill hopes to remedy."

Lawmakers Hear Details On Value-Added Report Card Measure

The value-added report card measure was at the forefront of discussions in education committees in both chambers on Tuesday as lawmakers kicked off a review of the indicator that shows how much progress students have made over the course of the year.

Placeholder legislation ([HB 524](#)) affording the opportunity to examine value-added received its first hearing in the House Education Committee before the Department of Education provided in-depth details on what the measure represents and how it's calculated. (See [Gongwer Ohio Report, April 25, 2016](#))

The same presentation was given to the Senate Education Committee later in the day.

Chris Woolard, senior executive director for ODE's Center for Accountability and Continuous Improvement, told the panels that value-added is a great equalizer in that it can show how well schools are doing educating students beyond their latest test scores.

"This is about more than one test on one day. It's about looking at large scale trends in the data," he said.

Included on state report cards since 2007, the measure tracks how much progress students make in math and English in grades 4-8, he said. On future report cards, value-added will also apply to high school end-of-course exams as well as science and social studies.

In addition to the overall value-added grade, ODE also calculates growth for gifted and disabled students as well as those who score in the lowest 20% on state exams, Mr. Woolard added.

"We're very much a model for this and many states are contacting us and are interested in going off the work we're doing in building their systems," he said.

A number of schools that are accustomed to scoring well on state report cards saw drops in their scores last year, however, the sponsors of the bill probing value-added said.

Because of that, many have questioned the validity and reliability of the measurement and the baseline that is used to determine how much progress should be made.

Chairwoman Sen. Peggy Lehner (R-Kettering) said she has heard similar feedback.

"One of the concerns this year that a lot of people had were the number of schools that had really crazy swings in their value added-data that were A last year and F this year and vice versa. Can you comment on what has caused that phenomenon?" she asked.

Value-added typically takes into account up to three years of data, but new baselines were set for last year and this year to accommodate new tests, Mr. Woolard said. Less data and more rigorous exams impacted those scores, but schools can still dig into the available information to see how they can improve next year.

Meeting expectations of having students make one year of progress over the course of the school year earns schools a C, he said. Schools and districts receive As and Bs only if students made more progress on state tests from year to year than expected.

Rep. Bob Cupp (R-Lima), a joint sponsor of the value-added bill, asked if it's possible for students to do so well on tests that they're not able to improve enough to earn their schools higher value-added grades.

It's not possible for students to "top-out" on progress, Mr. Woolard said. "I think there is a common misconception of, 'If I've got a really high achieving students, they can't show growth,'" he added.

Meanwhile, Rep. Bill Patmon (D-Cleveland) said he's more concerned about those students who are making significant progress and boosting schools' value-added scores, but may never reach proficiency.

"There is something to be said for proficiency," he said. "If you can't pass the test, you can't get the job. If you can't do certain things, you can't get into law school."

Report card grades released this year will be calculated using equal parts achievement and progress scores, Mr. Woolard said. Taking into account just one or the other wouldn't give a good picture of how a school is doing educating students overall.

"We still want to make sure that all students are achieving at those high levels, but we want to see those gaps closing over time," he said, adding that schools that are scoring among the lowest in the state for achievement have access to ODE assistance and resources aimed at helping them improve.

In an effort to learn from them and replicate their efforts, the department's Schools of Promise program specifically recognizes schools that have high achievement or progress grades despite facing challenges, Mr. Woolard said.

In future meetings, Chairman Rep. Andy Brenner (R-Powell) said the committee will likely hear from SAS, Inc., a contractor that calculates value-added for the report cards, and Battelle for Kids, which was involved in creating the measure.

Secretary Of State's Office, Anti-Domestic Violence Groups Continue To Push Address Confidentiality Bill

Proponents of a measure that would create an address confidentiality program for victims of certain crimes said Tuesday it will prevent perpetrators from using public records to locate the victims.

The bill (HB 359) would cover victims of domestic violence, stalking, human trafficking, rape and sexual battery.

If approved, Ohio would join 38 other states that have address confidentiality programs.

"It is time Ohio joins them," Stephanie Krider, director of policy and legislative affairs at the secretary of state's office, told members of the Senate State & Local Government Committee Tuesday.

The secretary of state's office would administer the program, which would be paid for through fines levied against the perpetrators of certain crimes, Ms. Krider said.

The program would also allow participants to vote without their information becoming public.

"Unfortunately there are those among us who, despite all that has been done to ensure an open process, still cannot participate. This is not due to a lack of access, but rather out of fear for their lives," Ms. Krider said.

Sen. Bill Seitz (R-Cincinnati) questioned whether the same address confidentiality would be provided to those in the program that make political donations.

Ms. Krider said there has been some discussion about that issue, and added she would be willing to work with Sen. Seitz on the matter.

Nancy Neylon, executive director Ohio Domestic Violence Network, told the committee that the bill has the potential to save lives.

"The address confidentiality program is one very important tool in safety planning," she said. "We may never know if a life has been saved or a serious injury prevented, but that possibility is reason enough to move forward."

Ms. Neylon said that the most dangerous time for a victim of domestic violence is when they are leaving an abusive relationship. Lethality, she said, increases by more than 300% in those cases.

"A confidential address can be a critical component of safety planning for victims who fear further violence or even lethal retaliation from their abuser," she said.

Phyllis Carlson-Riehm, representing ACTION OHIO Coalition For Battered Women, told the committee in written testimony that her organization often fields inquiries from victims that move to Ohio about an address confidentiality program.

"When they find out that no such program exists in Ohio, their concerns about being found escalate, because it is common for abusers and stalkers to travel whenever their targets make a move - including to another state," she said.

"Because it is difficult for anyone to conceal residential information, especially in today's society, only a few people commit to that life style," she added. "But when personal safety is at risk, there is good reason to make every effort to conceal identifying information. And when that includes not registering to vote, they are being penalized for being a victim of violence."

The measure unanimously cleared the House in January. (See Gongwer Ohio Report, January 27, 2016)

Corporate Governance Bill For Insurers Would Allow State To Help Companies Stay Solvent, Supporters Say

A bill to require insurance companies to disclose their corporate governance policies and practices to the state Department of Insurance is designed to help companies identify possible weaknesses in the wake of the financial crisis, backers told a Senate committee Tuesday.

The bill (SB 273) is based on model legislation from the National Association of Insurance Commissioners and would allow Ohio's regulations to be consistent with other states, supporters told the Senate Insurance Committee.

The proposal would require insurers based in Ohio to submit a disclosure form to the state, but wouldn't impose any new governance requirements, said Allison Conklin, assistant director of legislative affairs for ODI.

"For Ohio, the disclosure provides the department with the necessary information to work proactively with insurers on potential weaknesses in their corporate governance structure," she said. "Ultimately, the corporate governance disclosure is a vital tool through which the Department can ensure the long-term success of the company and protect Ohio's consumers."

The information submitted by companies would be kept confidential, protecting companies from having to disclose anything that might lead to a competitive disadvantage, she said.

"This provision is necessary in order to prevent an insurer's proprietary information from becoming public," Ms. Conklin said. "If made public, the sensitive information in the disclosure could potentially put the insurer at a competitive disadvantage. Furthermore, confidentiality is crucial during the disclosure process, as it encourages the insurer to be candid and forthcoming with the information they provide to the department."

Ranking member Sen. Edna Brown (D-Toledo) asked why blanket confidentiality was needed.

Dean Fadel, vice president of government relations for the Ohio Insurance Institute, said too much disclosure about corporate governance can reveal the companies' strategies.

Sen. Charleta B. Tavares (D-Columbus) asked if it would apply to shareholders who might want access to information about the company, and if a judge would be able to subpoena the information.

The bill's sponsor, Sen. Kevin Bacon (R-Minerva Park), said the bill doesn't add any new confidentiality provisions to law, it just protects this specific report from being publicly disclosed.

"The bill, with respect to disclosure, is not going to scale back or limit disclosure from where it is today," he said. "With respect to the stockholders or subpoenas, this would not change that at all."

Greg Lestini, legislative liaison for the Association of Ohio Life Insurance Companies, said the bill would follow along with laws in states, helping Ohio stay competitive and keeping its accreditation with the NAIC.

"By following the models, Ohio maintains competitiveness while keeping its accreditation with the NAIC," he said. "Both of these things benefit consumers with sound, secure regulation. This leads to strong, well-run companies that can provide competitive premiums to policyholders throughout the state."

Mr. Fadel said the state has more than 235 insurance companies, and helping them maintain sound governance by keeping an eye out for their solvency helps all of them. When a company goes under, the others have to take on more of a burden, he said.

"It is in everybody's best interest, including the insurers, that solvency surveillance in the state of Ohio is strong," he said.

Sunset Panel Approves Dozens Of Reauthorizations

The Sunset Review Committee on Tuesday stepped back from its typical task of hearing testimony and reviewing state agencies, councils, boards, committees and commissions and recommended the renewal of dozens of separate entities.

Committee Chair Sen. Kris Jordan (R-Ostrander) said this group can now relax a little and get back to its regular process of hearing from agency representatives.

Approved for reauthorization were:

- Amusement Ride Safety Advisory Council;
- Apprenticeship Council; Ohio Arts Council;
- Banking Commission;
- Capital Square & Advisory Board,
- College Credit Plus Advisory Committee;
- Commercial Insurance Subject Underwriting Association;
- Credit Union Council;
- Ohio Developmental Disabilities Council;
- Education Standards Board; Environmental Education Council;
- Industrial Commission Nominating Council;
- Advisory Committee on Livestock Exhibitions;
- Local Government Innovation Council,
- Materials Management Advisory Council;
- Minority Development Financing Advisory Board;
- Commission on Minority Health;
- Office of Enterprise Development Advisory Board;
- Ohio 2020 Tax Policy Study Commission;
- Ohio Business Gateway Steering Committee;
- Ohio Commission on Service and Volunteerism;
- Ohio Judicial Conference;
- Ohio Livestock Care Standards Board;
- Technical Advisory Council on Oil and Gas;
- Ohio Peace Officer Training Commission;

- Multi-Agency Radio Communications System Steering Committee;
- Savings and Loan Associations and Saving Banks Board;
- Small Business Stationary Source Technical and Environmental Compliance Assistance Council;
- Ohio Small Government Capital Improvements Commission;
- State Audit Committee;
- STEM Committee of the Department of Education;
- Tax Credit Authority;
- Transportation Review Advisory Council;
- Unemployment Compensation Review Commission, and;
- Wildlife Council

The committee also heard from six agencies - each of which requested reauthorization.

State Fire Marshal Larry Flowers asked for favorable consideration in maintaining the State Fire Council as being necessary for the operations of the State Fire Marshal's office. He said the council's first responsibility, with a vacancy in the position of State Fire Marshal, is to conduct the first stage of the candidate selection process for the appointment of a successor.

Michael Bear, chief of the Radiological Branch for the Ohio Emergency Management Agency, told the panel it is in the best interest of all Ohioans to maintain the current Utility Radiological Safety Board. The board, created by HB111 in 1989, was established to develop a comprehensive policy for the state regarding nuclear power safety and to establish a memorandum of understanding with the federal nuclear regulatory commission and the state.

Shannon Himes, interim superintendent of the Division of Industrial Compliance, explained the Backflow Advisory Board works to protect the public from contamination in potable water distributions. She said the board advises in matters pertaining to the training, testing and certification of backflow testers.

Requesting reauthorization, Ms. Himes said the self-funded board provides necessary collaboration between the Ohio EPA and the Department of Commerce, providing consistent training and testing procedures between the two agencies while also providing mediation of conflicts that may arise between water purveyors and plumbing contractors.

John Ware, chairman of the Student Tuition Recovery Authority, reported the authority protects students from tuition loss resulting from the closure of a career college. He said a Student Tuition Recovery Fund is funded through annual assessments of each school based on the school's prior year's gross tuition receipts. The fund, with a current balance at just over \$1.2 million, disburses monetary awards to students who were enrolled in institutions that went out of business and did not return to those students their prepaid tuition or provide a means of completing their program of instruction.

Stu Davis, assistant director of the Department of Administrative Services and the state's Chief Information Officer, said the Ohio Geographically Referenced Information Program (OGRIP) Council has developed initiatives to support GIS professionals at all levels of government to provide accurate and timely analysis of information to support their respective missions, from tax collection and distribution to public safety and emergency response.

Regina Hanshaw, board secretary for the Board of Building Standards, presented the case on behalf of the Electrical Safety Inspector Advisory Committee. She said the committee advises the board on approval or denial of electrical safety inspector certification applications and continuing education programs and provides expertise in the National Electric Code on technical questions. Ms. Hanshaw, in requesting reauthorization, added the five member committee, appointed by the board, annually reviews content and makes recommendations on some 60 continuing education courses and reviews approximately 40 electrical safety inspectors.

Also requesting reauthorization was the Citizen's Advisory Council. Ginnie Whisman, deputy director of the Division of Residential Resources or the Department of Developmental Disabilities, said the council - comprised of family members, county board leaders and other interested community members - serves as links in the communication chain, providing the department with information from parents and guardians about the care and treatment of those being served at state-operated centers.

Governor's Appointments

Ohio Commission on Service and Volunteerism: Sheila N. Fox of Worthington and Brenda Stier-Anstine of Delaware for terms beginning April 26, 2016 and ending April 21, 2019.

Capitol Square Review and Advisory Board: Richard F. Hillis of Powell and Juan P. Cespedes of Columbus for terms beginning April 26, 2016 and ending April 22, 2019

Supplemental Agency Calendar

Wednesday, April 27

Law Enforcement Gateway Advisory Group, BCI, 1560 State Route 56 SW, London, 10 a.m. (The advisory committee meeting will be followed at 11 a.m. by the OHLEG Steering Committee)

Supplemental Event Planner

Wednesday, April 27

Senate President Keith Faber (R-Celina) news conference on public records access legislation, Press Briefing Rm., Statehouse, Columbus, 10:30 a.m.

Ohioans for Medical Marijuana news conference, 13th Fl. Conf. Rm., 88 E. Broad St., Columbus, 1 p.m.

Wednesday, May 4

Children's Defense Fund-Ohio news conference on report measuring the well-being of children living in Ohio's Appalachian region, Ladies Gallery, Statehouse, Columbus, 10 a.m.


Thursday, August 4

Rep. Anne Gonzales (R-Westerville) Lake Erie fundraiser

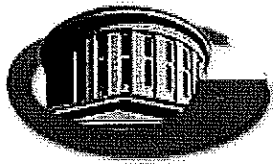
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House Activity for Tuesday, April 26, 2016

INTRODUCED AND REFERRED

HR TRAIN CREWS (Sheehy, M., Lepore-Hagan, M.) To support the Federal Railroad Administration's proposed rule requiring trains operated in the United State to have at least a two-person crew.

State Government

HCRCOURT APPOINTMENT (Ramos, D.) To urge the United States Senate to hold any and all necessary hearings, to perform the Senate's constitutional duty, and, after appropriate consideration, to hold a vote to confirm or deny the nomination of the Honorable Merrick Garland to the Supreme Court of the United States.

State Government

INTRODUCED

HBCONDOMINIUM LAW (Grossman, C., Perales, R.) Relative to the Condominium Law and Planned Community Law. Am. 5302.30, 5311.01, 5311.08, 5311.081, 5311.09, 5311.091, 5311.16, 5311.18, and 5311.22 and to enact sections 5311.082, 5311.083, 5311.29, 5311.30, 5311.31, 5311.32, and 5311.33.

HBMILITARY BENEFITS (Perales, R.) To extend employment and reemployment protection to a person who is a member of another state's national guard or organized militia and who is employed in Ohio. Am. 5903.02 of the Revised Code

Gongwer Coverage

CALENDAR FOR COMING SESSION

SB DAY DESIGNATION (Hughes, J.) To designate August 7 as Ohio Purple Heart Day.

239

SB TAX HOLIDAY (Bacon, K.) To provide for a three-day sales tax "holiday" in August 2016 during which sales of back-to-school clothing and school supplies are exempt from sales and use taxes.

HB COMMUNITY EVENT FUNDING (Brenner, A.) To authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and at other recreational facilities.

HCREDUCATION ACT (McColley, R.) To urge the United States Congress to pass the ADA Education and Reform Act of 2015.

REFERRED

Commerce & Labor:

HB HEALTH CARE PROFESSIONALS (Sykes, E.) To require certain health care professionals to **514** complete instruction in cultural competency.

HB EMPLOYEE APPLICATIONS (Dever, J.) To regulate the collection, use, and retention of certain **527** information obtained from an applicant during the employee selection process.

Energy & Natural Resources:

HB INJECTION WELLS (Phillips, D.) To prohibit injection of brine and other waste substances except in **522** class I injection wells, to prohibit the conversion of oil and gas wells, to require municipal or township approval prior to the issuance of an oil or gas well permit, and to levy a fee on the injection of brine and other waste substances into a class I injection well.

Health & Aging:

HB 520 RETIREMENT SYSTEMS (Schuring, K., Ramos, D.) To revise the law governing the state's public retirement systems.

Insurance:

SB FIREFIGHTER CANCER (Patton, T.) To provide that a firefighter who is disabled as a result of specified **27** types of cancer is presumed for purposes of the laws governing workers' compensation and the Ohio Police and Fire Pension Fund to have incurred the cancer while performing official duties as a firefighter.

HB FAMILY LEAVE (Kuhns, C., Boyd, J.) To establish family and medical leave insurance benefits to provide **511** paid leave to allow an individual to address the individual's own serious health condition, to care for a family member, or to bond with a new child and to exempt those benefits from personal income tax.

Judiciary:

SB COURT PROCEEDINGS (Seitz, B.) To enact the Uniform Interstate Depositions and Discovery Act. **171**

SB DRIVERS LICENSE SUSPENSIONS (Seitz, B.) To make the suspension of an offender's driver's license **204** for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges.

SB DEATH DESIGNATION DEEDS (Bacon, K.) To amend the law related to transfer on death designation

232 deeds and affidavits.

HB JURY DUTY (Gonzales, A.) To permit a prospective juror who is a mother who is breast-feeding her baby **513** to be excused from jury service.

HB RESTRAINING ORDERS (Celebrezze, N.) To require a court to issue a mutual restraining order on both **516** parties upon the filing of a complaint for a divorce, annulment, or legal separation.

HB BIRTH CERTIFICATIONS (Celebrezze, N.) To require the clerk of court, in domestic relations cases in **517** which proof of a child's birth is required to be included in a pleading, to access the electronic system of vital records of the State Registrar or Department of Health and issue a certification of birth to the party applying for such certification upon payment of the required fees.

HB PAROLE ELIGIBILITY (Manning, N.) To provide special parole eligibility dates for persons with an **521** indefinite or life sentence imposed for an offense committed when the person was less than 18 years of age, to require the Parole Board to consider specified mitigating factors in those cases, and to require notice to the Ohio Public Defender and prosecuting attorney prior to the parole consideration hearing.

Public Utilities:

HB 911 CALLS (Johnson, G.) To require multi-line telephone systems to have a default configuration that **525** permits users to directly initiate a call to 9-1-1 without dialing any additional digit or code.

State Government:

HB CONCEALED HANDGUNS (Vitale, N.) To permit an elected officeholder of this state or a political **518** subdivision of this state who holds a valid concealed handgun license to carry a concealed handgun in a government facility of this state or a political subdivision of this state.

HB LSC DUTIES (Howse, S.) To require the Director of the Legislative Service Commission to prepare a **519** human impact statement concerning a bill or resolution that proposes to amend the law governing criminal justice.

HB ANIMAL TRESPASSING (Bishoff, H.) To prohibit a person from killing or injuring a cat or dog that is **526** trespassing on the person's property.

Ways & Means:

HB FIREWOOD SALES (Patterson, J., Cera, J.) To exempt from sales and use taxation the bulk sale of **515** firewood and certain other heating fuels, and to reimburse the Local Government Fund and Public Library Fund and county and transit sales tax collections for the resulting revenue losses.

HB VEHICLE LICENSE TAXES (Ruhl, M.) To authorize additional permissive local motor vehicle license **528** taxes up to a total of \$15.

COMMITTEE HEARINGS

Ways & Means

HB TAX CREDIT (Hill, B.) To authorize a refundable income tax credit for current livestock owners who **297** invest in a manure storage or treatment facility or acquire manure application equipment or manure handling and transportation equipment. (CONTINUED (See separate story); 3rd Hearing-All testimony)

HB TAX POLICY (Amstutz, R.) To require voter approval before a county may levy a new utilities services **473** tax, to allow small businesses to count employees of related or affiliated entities towards satisfying the employment criteria of the business investment tax credit, to permit a bad debt refund for cigarette and tobacco product excise taxes paid when a purchaser fails to pay a dealer for the cigarettes or tobacco products and the unpaid amount is charged off as uncollectible by the dealer, and to allow vendors to receive a refund of sales taxes remitted for bad debts on private label credit cards when the debt is charged off as uncollectible by the credit card lender. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Amstutz outlined his legislation for the committee, saying it consisted of four parts that "propose policy changes that promote improved business practices."

First, the bill would require voter approval before a county levies a new utilities services tax. While the option has not been utilized, he said, counties are currently permitted to levy a tax on utility service to customers at a 2% rate.

The bill would also allow small businesses to count employees of related or affiliated entities towards satisfying the employment criteria of InvestOhio, Rep. Amstutz said.

"It is common practice for a corporation to be the 'payroll reporting entity' for its commonly owned separate LLC entities when reporting to the federal, state, and city government. It would be an administrative nightmare to prepare separate payroll tax returns quarterly and annually," he said. "This change would help clarify that employees administratively reported through a contracted agent would qualify for the InvestOhio Program."

The third component of the measure would provide for a bad debt refund for cigarette and tobacco product excise taxes by allowing wholesalers to claim a refund of the net value of the cigarette tax stamps or tobacco products if the buyer does not pay after six months, the sponsor explained. Wholesalers would have to meet certain requirements and prove the bad debt exists, and must file for a refund within three years after the bad debt was deemed uncollectible, he said. Rep. Amstutz cited Ohio Wholesale Marketers Association data showing 10 wholesalers reported a total of \$171,800 in excise taxes as part of bad debt in 2014.

Similar to the provisions in **HB 404**, the bill would also allow retailers to receive a refund of sales tax remitted for bad debts on private label credit cards when the debt is charged off as uncollectible by the customer, the sponsor said. Under current law, those bad debts cost Ohio retailers an estimated \$8 million a year.

Responding to Rep. Baker, the sponsor said the levy provision was aimed at generating a conversation over the current permissive authority, which is part of a code chapter that some critics want to repeal entirely.

Rep. Amstutz told Rep. Boose that language in the bill on levy repeals ties in to the provision requiring voter approval of the utility taxes.

Rep. Hambley questioned how the levy provision might impact county bond ratings since unused taxable authority was considered for the ratings. The sponsor said he was unsure.

SB BULLION TAXES (Jordan, K.) To exempt from sales and use taxes the sale or use of investment metal **172** bullion and coins. (CONTINUED); 3rd Hearing-All testimony-Possible amendments & vote)


Zach Schiller, research director at Policy Matters Ohio, submitted written testimony in opposition to the bill, noting similar language was vetoed from a budget measure (HB59, 130th General Assembly) by Gov. John Kasich.

"This exemption was previously known as the Noe amendment because of coin dealer Tom Noe, convicted in the Coingate scandal for engaging in a pattern of corruption in his management of Ohio's \$50 million rare-coin fund investment with the Bureau of Workers' Compensation. He had helped win its approval in the General Assembly in 1989. The exemption was repealed in the 2005 biennial budget bill after the scandal came to light," Mr. Schiller said.

Citing Legislative Service Commission estimates that the tax break would result in \$5.5 million a year in foregone revenue, he said, "Taxes pay for services that we all need. We should not take support away from local governments, libraries and transit agencies to provide an advantage to this one industry."

Subscribers Note: Full testimony is available on the committee's website under April 26.

Finance

HB FILM TAX CREDITS (Schuring, K.) To authorize motion picture companies to transfer the authority to **475** claim refundable motion picture tax credits to other persons, to adjust how the credit is calculated, to  increase the total amount of credits that may be awarded per year, to remove the limit on the maximum credit amount that may be awarded to a motion picture, and to create a job training program for resident film crew members. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Schuring told the panel his bill looks to build on the "hugely successful" existing motion picture tax credit by increasing the potential credit amount from \$20 million per year to \$75 million per year. Additionally, he said the measure would remove the per-film cap and set the stage for training of Ohio-based film workers.

The lawmaker said Ohio's current film tax credit has brought \$400 million into the economy, a two-for-one return against the tax credit.

He said the measure responds to concerns that he, Speaker Rosenberger and House staff heard when visiting with studio executives in California earlier this year. He said the officials had a "very productive" meeting industry leaders, but said they had concerns about the scope of Ohio's tax incentive plan.

"I think it's safe to say they love Ohio," he said, noting the state is home to a diverse population and landscape. "It's perfect for those who are wanting to come here."

Mr. Schuring said the current program, created during a time when there was split party control in the legislature, has been well-received but has run out of money for the year.

The sponsor said 38 states have some kind of film incentive program, and added that Georgia has no cap at all on its tax credit.

Rep. Grossman indicated a movie producer was recently investigating Columbus as a potential film location, while Rep. Perales said that while Tom Hanks was recently in Dayton, local officials encouraged him to make a potential Wright Brothers film in the region.

Rep. Dovilla noted that lawmakers already increased the program to meet demand once. While he said critics say the program is a "Hollywood handout," people need to consider the economic impact that films have on local economies.

Rep. Schuring agreed that productions can have a major benefit for businesses.

Rep. Boyce questioned whether the program would make a significant difference on where films are made. Rep. Schuring said the credits are important because producers are looking for locations where they can get the lowest

production cost.

Rep. Sykes questioned whether the training element would lead Ohio to invest in workforce programs, only to see those trained people follow movie production to other states.

Rep. Schuring said having a trained workforce in Ohio is a key element to bringing smaller-budget films to the state.

HBCASE MANAGEMENT (Arndt, S.) To revise the Comprehensive Case Management and Employment **500**Program, to establish a case management pilot program, to transfer cash from the Economic Development Program Fund (Fund 5JC0) to the Case Management Pilot Program Fund (Fund 5SK0), and to make an appropriation. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Arndt said his bill is designed to implement a pilot comprehensive case management program that would help reduce poverty and minimize a skills gap in the labor market.

He said the state's current poverty rate is almost 16%, with another 11.6% considered poor - a level the state hasn't seen in 50 years.

The program, he said, will focus on 14- to 24-year olds and will help resolve barriers that appear as career paths are established.

Rep. Arndt said the program would be funded by using \$7.5 million in remaining fiscal year 2016 Development Services Agency funds.

"For this initiative to be successful, there is a need for GRF dollars for case management training and a case management system that allows us to track both fiscal inputs and performance while quantifying and addressing the gaps in the traditional programs," he said.

Implementing the system, he added, will ensure the state meets federal performance measures that will ultimately impact funding levels.

Rep. Arndt told Rep. Sykes the case program is different from budget language in that it targets younger Ohioans. He also said the bill impacts out-of-school youth.

He said the bill has the support of the Kasich Administration, Ohio Workforce Coalition, Ohio Department of Job & Family Services Directors Association and the County Commissioners Association of Ohio.

SB CAPITAL APPROPRIATIONS (Oelslager, S.) To make capital appropriations and changes to the law **310** governing capital projects for the biennium ending June 30, 2018. **(CONTINUED-See separate story; 1st Hearing-Sponsor-Pending referral)**

Subscribers please note: The full text of testimony is available under April 26 at [this location](#).

Rules & Reference

HBAUTO TECHNICIANS (Antani, N., Reineke, B.) Regarding employers of automotive technicians and **429**motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program. **(REPORTED-AMENDED; 1st Hearing-Possible amendments & vote)**

Rep. Brenner amended the bill to remove an emergency clause, saying it was deemed acceptable to retain the traditional 90-day period before the bill becomes effective after being signed by the governor.

Rep. Boyce objected to the amendment, saying the process should have occurred in the committee that originally heard the legislation. He said making such changes in the Rules & Reference Committee sets a bad precedent.

Rep. Brenner responded that Rules has made such changes before. Chairman Amstutz added that he wanted the committee to make the change versus doing a floor amendment or re-referring it back to the committee of origin, which could have delayed getting it to the Senate by a week.

"I don't think this is something we should get excited about," he said.

The amendment was adopted on a 9-1 vote and the bill reported 10-0.

Education

HB ORGAN DONATION (Grossman, C., Phillips, D.) To require the health curriculum of each school district **137** to include instruction on the positive effects of organ and tissue donation. (**REPORTED (No testimony)**; 4th Hearing-Possible vote)

The committee advanced the measure, with Rep. Henne casting the sole "no" vote.

He said he is supportive of organ donation and is personally registered, but does not believe that the state should require schools to include information on the topic during health classes.

"I think we constantly just tell our schools how they should be operating. We have additional things going to them all the time. Although there may not be a financial cost, we are still mandating stuff to our schools," Rep. Henne said.

Joint sponsor Rep. Phillips said organ donation is an issue all students who get their drivers licenses will face and it's a decision that could save other Ohioans lives.

She said any minimal effort it would take to add the curriculum to an existing class is worth it.

"The curriculum can easily fit in without adding too much to what schools are doing," she said. "I do think the benefit is quite significant and well worth this extra nudge from us."

HB STUDENT ENROLLMENT (Thompson, A., Koehler, K.) To revise the requirements regarding student **481** enrollment reporting for public schools, mandatory student withdrawal policies, and scholarship program eligibility relative to students who choose not to take state assessments during the 2015-2016 school year and to declare an emergency. (**CONTINUED**; 1st Hearing-Sponsor)

Rep. Thompson said the measure would extend to this school year safe harbor protections related to students who opt out of state tests.

Under previous legislation (**HB 7**), school funding and scholarship student eligibility were not impacted by the opt out movement that resulted in about 1% of students not taking standardized exams in the 2014-15 school year, he said. Such protections should be extended because there are also new tests this school year.

The latest proposal also provides program participation protection for e-school students who do not take the state assessments for two consecutive years, he said. Schools are currently required to un-enroll those students.

Although the Department of Education told the committee last week that testing has gone more smoothly this year, Rep. Koehler said he's heard from parents who are still leery of the new tests.

"Parents simply do not trust what we are doing with testing in Ohio," he said. "Because of past problems with not only tests but the technology, parents are hesitant to allow their children to submit themselves to the test. We need to continue Safe Harbor the 2015-2016 school year."

Rep. Thompson told Rep. K. Smith that it's possible the state will continue to need safe harbor into the future because parents, teachers and students are not satisfied with the tests. He urged the panel to support another measure (**HB 212**) he sponsored to allow individual districts to set their own testing requirements and curricula.

HB BILITERACY (LaTourette, S., Roegner, K.) To require the State Board of Education to establish the state **487** Seal of Biliteracy to be attached or affixed to the high school transcripts of qualifying students.

■ **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Roegner said the measure would recognize those students who are best prepared to graduate into an increasingly global society.

"With global markets, international businesses value bilingual employees over those who only can speak one language. A second language provides the ability to dive deeper into a culture, enriches learning, and naturally expands opportunities," she said.

"The Seal of Biliteracy will provide employers with a method of identifying potential employees with language and biliteracy skills, as well as provide colleges and universities with an additional method of recognizing exceptional applicants for admission."

The Hudson City School District is already piloting the seal and is testing students in foreign languages this week, the sponsor said. Tests can be taken in a number of languages and students can test proficient in languages not taught in the school.

Rep. Roegner told Rep. Fedor that students would be required to pay for the testing that would earn them the seal, much like they currently do for advanced placement tests. The language tests costs \$17.50, she added.

HB SCHOOL RATINGS (Cupp, R., Smith, R.) To review the value-added progress dimension measure used **524** for purposes of state report card ratings for school districts and schools. **(CONTINUED (See separate story); 1st Hearing-Sponsor)**

Government Accountability & Oversight

HJR TERRORIST NATIONS (Johnson, T.) Proposing to enact Section 18 of Article VIII of the Constitution of **6** the State of Ohio to prohibit state agencies and the state's public retirement systems from contracting with and investing in companies with certain business operations in countries designated as state sponsors of terrorism and to require state agencies and public retirement systems to divest investments from such companies. **(CONTINUED; 2nd Hearing-Proponent)**

Seth Metcalf, deputy treasurer for State Treasurer Josh Mandel, expressed the treasurer's support for the resolution.

The resolution could enhance American security by eliminating funding sources for countries that are designated by the U.S. government as state sponsors of terrorism, he said. Three countries - Iran, Sudan and Syria - currently fall under that category.

Mr. Metcalf said Ohio can keep tax and pension funds away from terrorists and still make a solid return on behalf of taxpayers and retirees.

The witness told Rep. Ryan Smith that state law does not prohibit investments in those countries, but noted that Ohio's pension systems have taken steps to minimize their holdings in those nations.

Mr. Smith questioned whether lawmakers should consider making the change in law before adjusting the constitution. "I'm usually resistant to putting things in the constitution", he said.

Mr. Metcalf said that approach is reasonable in most cases, but when it comes to countries that support terrorism, "it just seems so black and white."

Mr. Metcalf added that while the hope is that the list of countries involved doesn't increase, Ohio pension system officials have shown they are able to reduce holdings while still generating quality results.

SB COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law.

213 (CONTINUED (No testimony); 2nd Hearing-All testimony)

Chair Brown asked House Republican aide Dustin Russell to provide an update on the measure. He told members that interested parties have made progress on a number of issues, and are looking to secure agreements on a couple of outstanding issues.

Rep. Brown said that groups were relatively far apart at the beginning of the process, but he hopes to complete House work in the next couple weeks to give the Senate time to act.

HB COMMISSION ELIMINATION (Brown, T.) To formally abolish certain boards and commissions that 471 have completed their work and to abolish the Compact with Ohio Cities Task Force. (CONTINUED (No testimony); 2nd Hearing-Proponent)

Chair Brown said the bill will likely be amended to reflect the final recommendations of the Sunset Review Committee.

HB STATE CONTRACTING (Schuring, K.) To prohibit a state agency from contracting with a company that 476 is boycotting Israel or disinvesting from Israel. (CONTINUED; 2nd Hearing-Proponent)

Howie Biegelman of Ohio Jewish Communities testified in support, saying the bill sends a powerful message that Ohio won't stand for discrimination.

If you replaced Israel with Jews or another religious or ethnic minority, or any other identifier, there's no chance Ohio would give taxpayer dollars to a business engaging in discrimination," he said. "That's essentially all the bill does. It does do one more thing though. It tells the world Ohio is open for business and welcomes innovators and inventors."

Barry Guttman of the Jewish Federation of Cleveland also backed the bill, saying the Boycott, Divestment and Sanctions (BDS) movement undermines negotiations between Israel and Palestinians toward a two-state solution.

While intended to hurt Israel, economic boycotts will ultimately hurt Palestinians and prospects for peace, he said. Mr. Guttman said the movement is using its platform to tell a story that seems anti-Semitic and noted that the overall effort is bad for Ohio's businesses.

Support was also offered by Jason Wuliger of the Jewish Federation of Cleveland, Rev. Juan Rivera, Shaul Weisband, Maddi Jackson and Ed Douglas.

HB PUBLIC RECORDS (Schuring, K.) To generally protect a private, nonprofit institution of higher education 504 from liability for a breach of confidentiality or other claim that arises from the institution's disclosure of public records. (CONTINUED; 2nd Hearing-Proponent)

C. Todd Jones, president and general counsel of the Association of Independent Colleges and Universities of Ohio, testified in support.

The bill extends to non-profit institutions of higher education the same protections that public entities have regarding public records, making sure that private colleges could not be found liable for an institution's disclosure of public records while following the law, he said.

The bill responds to a 2015 Ohio Supreme Court ruling that found that privately employed police forces are inherently tied to a government function, and thus are subject to the state's public records laws.

Subscribers please note: Witness testimony is available under April 26 at [this website](#).

Energy & Natural Resources

HB WATER SYSTEMS (Ginter, T.) To establish requirements governing lead and copper testing for **512** community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. (**CONTINUED (Referred earlier)** (See **separate story**); 1st Hearing-Sponsor & proponent-Pending referral)

Subscribers Note: For full testimony, see the [committee's website](#) under April 26.

Financial Institutions, Housing & Urban Development

HB SENIOR HOUSING (Barnes, J.) To enact the "Senior Housing Relief Act" to prohibit the sale of delinquent **418** property tax certificates for homesteads owned for at least 20 years by a person aged 65 or older. (**CONTINUED-SUBSTITUTE**; 2nd Hearing-Proponent-Possible substitute)

The substitute version prohibits tax foreclosures on senior-owned homesteads if the delinquent taxes, assessments, charges, penalties and interest on the property do not exceed \$5,000.

Another change requires dismissal of foreclosure proceedings against a senior-owned homestead with a tax debt of more than \$5,000 if the tax bill on the homestead increased for two or more years during which the delinquency occurred due to a property owner's financial circumstances. ([Comp Doc](#))

Sponsoring Rep. Barnes said the measure is designed to keep the collections process within the county structure.

In written testimony, Maple Heights Mayor Annette Blackwell told the committee that "the ability to keep seniors in their homes stabilizes the community and avoids vacant or hard-to-sell homes; keeps neighborhoods safer as they are home during the day to act as block watch members; creates the opportunity to pass on wealth, therefore creating generational wealth as real estate could be left as an inheritance to surviving family members."

HB MORTGAGE FORECLOSURES (Dever, J.) To establish expedited actions to foreclose mortgages on **463** vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (**CONTINUED-AMENDED (See separate story)**; 3rd Hearing-All testimony-Possible amendments)

Subscribers Note: For full testimony, visit the [committee's website](#) under April 26.

Judiciary

HB HUMAN TRAFFICKING (Hall, D., Dever, J.) To expand the list of human trafficking-related convictions **268** and delinquency adjudications that may be expunged, to increase the penalties for compelling prostitution and promoting prostitution, and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (**CONTINUED**; 3rd Hearing-All testimony)

The Ohio Prosecuting Attorneys Association is opposed to the measure.

Executive Director John Murphy said in written testimony that the bill "opens the door to permit expungement in any conviction if the person's participation in the offense was a result of the person having been the victim of human trafficking."

Mr. Murphy suggest the section of the proposed law that states "participation in the offense" should be clarified to be whether the person was acting under duress as a result of human trafficking.

"If she made a duress defense and was convicted, it means that the jury did not believe her defense," he said.

"This person should not qualify for special expungement treatment, although under this bill she might qualify 'if

the participation in the offense was a result of human trafficking, whatever that means."

Mr. Murphy also suggested a portion of the bill be removed that those found not guilty to apply for expungement of complaints, indictments and other information.

HBSEX OFFENDERS (Ruhl, M.) To require a sheriff to mail a notice to every adult member of a household 353 where a person who is required to register as a sex offender resides informing those household members that the person has committed a sexually oriented offense or a child-victim oriented offense. (CONTINUED (See separate story); 3rd Hearing-All testimony)

HBVOYEURISM (Anielski, M.) To include an impaired person as a victim of voyeurism and to include 439 conduct involving an impaired person within the offenses of pandering obscenity involving a minor, pandering sexually oriented matter involving a minor, and illegal use of a minor in a nudity-oriented material or performance. (CONTINUED (No testimony); 3rd Hearing-All testimony)

HBOVI OFFENSES (Manning, N.) To specify that the prison term that may be imposed for a third degree 446 felony operating a vehicle while intoxicated ("OVI") offense is a definite period of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-four, or sixty months, to add "harmful intoxicant" to the definition of "drug of abuse" for the purposes of commercial driver's licensing law, to allow a person to assert the existing affirmative defense of driving in an emergency with regard to a prosecution for driving under a suspended driver's license under specified laws, and to specify that certain enhanced penalties for speeding violations apply regardless of whether the offender previously has been convicted of or pleaded guilty to speeding. (CONTINUED (No testimony); 3rd Hearing-All testimony)

HBCIVIL LIABILITY (Sprague, R.) To modify the qualified immunity from civil liability for volunteer health 488 care services provided to indigent and uninsured persons and to permit health care professionals to earn continuing education credit by providing volunteer health care services to indigent and uninsured persons. (CONTINUED; 1st Hearing-Sponsor)

The bill will improve access to medical care for indigent and uninsured populations, according to sponsoring Rep. Sprague.

Research has shown that the bill could result in more than 105,000 medical visits each year valued at nearly \$60 million, according to Rep. Sprague.

He said a similar program was implemented in Florida in 1992, resulting in more than \$2.6 million in services provided to uninsured and indigent populations.

Rep. Johnson, however, said she has concerns about a portion of the bill that would prevent any procedure from being performed under duress or undue influence. She said an indigent person badly needing a medical procedure is certainly under duress.

Rep. Sprague disagreed with that assessment.

Rep. Sykes said the bill gives her some fear that poor people might not receive the level of medical care a paying patient would receive.

"When it comes to low-income people, it is very easy for them to be mistreated," she said.

Rep. Sprague said he cannot envision a scenario when a medical professional would not perform to the best of their abilities, even with the specter of a malpractice suit off the table.

"They are going out of their way to volunteer, to provide that care," he said.

Select Committee on Medical Marijuana

HB MEDICAL MARIJUANA (Huffman, S.) To authorize the use of marijuana for medical purposes and to

523 establish the Medical Marijuana Control Program. (CONTINUED (See separate story); 4th Hearing-All testimony)

Community & Family Advancement

HB CHILD ABUSE REPORTING (Sears, B., Ryan, S.) To make changes in the child abuse and neglect **493** reporting law. (CONTINUED; 2nd Hearing-Sponsor & proponent)

Sponsor Rep. Sears said the bill would update the law to provide immunity and protections for current practices in the reporting of child abuse. The bill allows multiple medical providers to submit one report, which aligns with the current practice of care coordination, she said. It also requires tests and examinations to be included with the report, to make reports more complete and avoid duplication.

"It really affects one primary issue, and that is the idea that now that we're moving into medical homes, care coordination, that we're doing that in this area also," she said.

Dr. Megan Letson, medical director at the Center for Family Safety and Healing and the division chief for Child and Family Advocacy at Nationwide Children's Hospital, testified that the bill would bring the law up to date with current technology and practices.

"We support HB493 as it provides immunity for medical professionals acting in accordance with the law; recognizes new medical technology to be used in diagnosis and treatment; streamlines reporting responsibilities in a modern treatment environment; and recognizes the importance of sibling examinations and safe discharge planning as part of a medical evaluation," she said.

Carrie Baker, the vice president of the Ohio Children's Hospital Association, said a subspecialty in child abuse pediatrics was created in 2009, with its own medical journals and best practices, but the Ohio Revised Code section on the policies still dates to decades ago.

"OCHA members are asking the Ohio General Assembly and specifically this Committee to support HB493 as it will reflect today's standards of practice and allow for future innovation, streamline the mandatory reporting process and protect our physicians and ultimately Ohio's children by extending immunity for providing the highest standard of care-care that our teams are currently providing to children today, despite this outdated and ambiguous Ohio Revised Code section," she said.

Rep. Boyd asked how the bill would let professionals deal with cases in which a sibling, who can be interviewed and examined if abuse of one child is suspected, is believed to be the perpetrator.

Ms. Baker said they were working on language to address those instances.

HB CHILD ABUSE REPORTING (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse **63** or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. (CONTINUED; 6th Hearing-All testimony-Possible vote)

Chair Rep. Derickson decided to delay a vote on the bill after questions about whether or not it would protect those who acted in good faith to help a child.

"This bill has been in this committee a long time. One more week is not going to hurt it," Rep. Derickson said. He suggested another meeting with interested parties to address concerns about if it would properly protect good Samaritans.

Rep. Boyce expressed concerns that it would open families up to punishment who took in a child in need, but didn't go through a formal adoption process. He outlined scenarios in which legal guardians, whether they be

parents or grandparents, weren't able to take care of a child and friends or community members took in the child.


"I'm just concerned that this bill would discourage families from helping families," he said. "I know that in the district that I represent, this is not an uncommon situation."

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Senate Activity for Tuesday, April 26, 2016

COMMITTEE HEARINGS

State & Local Government

HBCORONER LAW (Huffman, S., Johnson, T.) To recognize that coroners include medical examiners; to **240**change the qualifications for holding office as a coroner of a charter county; to require, under certain conditions, and to authorize, under other conditions, supplemental compensation for coroners who are forensic pathologists; to revise how the office of coroner is filled when a vacancy cannot be filled by election or appointment; to specify the disposition of a firearm when a person meets death under certain circumstances; to specify who pays for the autopsy of an inmate of a state correctional facility; and to make other changes to the coroners' law. (**CONTINUED**; 2nd Hearing-Proponent)

David Corey, executive director of the Ohio State Coroners Association, told the committee the bill is "important to strengthen Ohio's already proven successful death investigation system."

The bill makes several changes, including more clearly defining the a decedent's legal residence to clear up jurisdiction issues; explicitly stating that coroners and medical examiners are equivalent for the purposes of charter county governments; allowing counties with a vacancy in the position to contract with other counties for the services; enabling law enforcement officials to be paid for work as a coroner investigator; and providing additional compensation for certified forensic pathologist coroners and forensic autopsy center coroners.

Pickaway County Commissioner Brian Stewart expressed support for the measure because it will also require that autopsies for state prisoners be paid for by state prison agencies.

In 2014, he said, his county received an invoice for the costs related to the autopsy of Ariel Castro, who kidnapped and held captive three young women in his Cleveland home. He hanged himself one month into his life sentence.

"To our knowledge, Castro had never spent any time in Pickaway County until he was transferred to the Orient Correctional Facility in Pickaway County, where he subsequently committed suicide within a matter of days," he said. "The costs of the autopsy were \$1,200, and upon further research, it was determined that current state law does presently allow that the costs of autopsies - including those which occur in state correctional facilities - may be assessed to the county in which the death occurs."

HBRETIREMENT SYSTEMS (Schuring, K.) To include new nonteaching employees of The University of **305**Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments. (**CONTINUED**; 2nd Hearing-Proponent)

Nathan Mortimer, vice president for finance and administration and CFO at The University of Akron, told the committee that the measure would put Akron in line with every other public university in the state by placing non-teaching employees in the Public Employees Retirement System.

"The University of Akron began as a private university (Buchtel College) in 1870 and then became a Municipal University in 1913. In 1948, the Board of Directors of the Municipal University of Akron adopted a Resolution

to enroll all non-faculty employees in the State Employees Retirement System (SERS)," he said.

"Finally, in 1966, an agreement was entered into between the Board of Directors and the Ohio Board of Regents, which converted the Municipal University of Akron to what is known today as The University of Akron, a state university," he continued. "However, for reasons unknown, unlike all other state universities in Ohio, The University of Akron's non-teaching employees remained members of SERS and did not transition to PERS."

HB ADDRESS CONFIDENTIALITY (Duffey, M., Gonzales, A.) To create an address confidentiality program **359** for victims of domestic violence, menacing by stalking, human trafficking, trafficking in persons, rape, or sexual battery. **(CONTINUED (See separate story); 2nd Hearing-Proponent)**

SB DEFERRED COMPENSATION (Hottinger, J.) To authorize the Ohio Public Employees Deferred **220** Compensation Board and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans. **(REPORTED (No testimony); 4th Hearing-All testimony)**

SCR FEDERALISM (Obhof, L., Faber, K.) To reassert the principles of federalism found throughout the **15** Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed. **(CONTINUED; 1st Hearing-Sponsor)**

The measure is a message to the federal government that it has overstepped its bounds, according to sponsoring Sen. Obhof.

"The federal government has exceeded its role by reaching beyond its proper jurisdiction into areas that are properly regulated by the States," he said. "One recent example of such overreaching is the individual mandate provision of the Affordable Care Act. In enacting that provision, Congress and the President sought to afford themselves a general police power - the "indefinite" powers that our Constitution specifically denies to the federal government."

"We believe that the proper relationship between the States and the federal government is clearly outlined in the Constitution," he said. "SCR 15 simply reasserts these principles and urges our federal government to return to this shared balance of power."

Subscribers Note: For full testimony, visit the [committee's website](#) under April 26.

Education

HB CPR TRAINING (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and **113** the use of an automated external defibrillator as a requirement for high school graduation. **(CONTINUED; 1st Hearing-Sponsor)**

Schools are already required to teach CPR in health classes, but this measure would take that "one step farther with the hands-on instruction," Rep. Grossman said.

The bill requires public schools to provide hands-on CPR training with a mannequin and the use of an AED to students in grades 9-12, she said. In addition, school district and community school employees would also be required to receive training on the use of an AED.

Training takes about 30 minutes and can be offered any time during the four years a student is enrolled in high school, Rep. Grossman said. Fire departments have proven eager to provide the items necessary to complete the training, which doesn't result in a certificate.

"We are certainly cognizant of the concerns of burdening an already crowded school curriculum, as such; we have been thoughtful about providing as much flexibility to schools as possible," she said.

Rep. Manning said he took an AED course while preparing the legislation and "found that the AED was extremely easy to use, very self-explanatory and not at all intimidating."

HB 425 RELIGIOUS EXPRESSION (Hayes, B.) Regarding student religious expression. (CONTINUED; 1st Hearing-Sponsor)

Rep. Bill Hayes said the measure "provides clarification to students, teachers, parents, and communities that, although there is no intent of violating the Establishment Clause of the Constitution, the subject of religion and its personal impact should not and must not be ignored in the school community, and that free speech on this subject shall be permitted in the school houses and classrooms of our state."

The legislation defines religious expression and requires schools to provide the same access to school facilities to students who want to meet for that purpose as is provided to secular student groups, he said.

It also limits a school board from prohibiting a student from engaging in religious expression through homework, artwork or other assignments and ensures that grades don't positively or negatively correspond to any religious beliefs therein.

Sen. Gardner pointed out that there were a handful of "no" votes on the House floor and asked if any changes have been made to "make it more palatable" for opponents. The sponsor said he wasn't approached about amendments, but some opponents testified that the bill was unnecessary because it clarifies what's already in federal law.

Passing this bill, however, would give those who want to protect their rights the ability to file lawsuits in courts outside of the federal level, Rep. Hayes said.

He told Chairwoman Lehner that teachers are not able to take a position on religion.

SB STUDENT EXPULSIONS (Hughes, J.) With respect to the expulsion of a student from a school district, 297 community school, or STEM school for communicating a threat of violence to occur on school grounds. (CONTINUED; 2nd Hearing-Proponent)

Delaney Smith, medical director of the ADAMH Board of Franklin County, said early interventions when students display mental and behavioral health needs have been shown to be effective in helping them recover and go on to lead productive lives.

She applauded the measure, which would allow schools to require mental health evaluations for students who could pose a threat to themselves or others.

"For far too long, public policy siloes have looked at singular academic, or nutrition or physical needs of youth to be ready to learn," Ms. Smith said. "We commend the committee for including mental health assessment into this proposed legislation so that adequate and early recognition of mental health issues are addressed as soon as possible in a child's life."

In response to a question from Sen. Sawyer, Ms. Smith said it's important for multiple sources to determine whether a student's threat had intention behind it and whether mental health treatment is necessary.

Students may need to go to a facility where they can be treated so the school won't be under an imminent threat, Ms. Smith said.

Hilliard Chief of Police Robert Fisher also offered support for the measure, sharing with the committee a story of a student who had plotted a mass shooting at Hilliard Darby High School in October.

"Fortunately, through the actions of a student who understands the importance of 'see something, say something,' no violence occurred. There was, however, a tremendous amount of community panic that ensued and a large

number of hours spent dealing with this situation. We later learned that this student has had a history of mental health issues and a troubled past involving threats and violence," he said.

"Incidents like this occur way too frequently in Ohio today. Almost daily we watch the news to hear of a threat or act of violence occurring across our state. Now is the time to give our schools and first responders another tool to help combat this growing epidemic. We need more options to ensure the safety of our communities and provide a process that will get the necessary help to those that need it," Mr. Fisher continued.

The witness told Sen. Thomas that it would be a case-by-case basis for schools to determine what constitutes a serious threat that would require mental health evaluation or school evacuation.

Rep. Yuko asked how a student is tracked to ensure they don't return to the school and carry out a threat. Mr. Fisher said an ankle monitor isn't always effective, so it's important to immediately assess a student's mental health before sending them home.

Financial Institutions

HB DEED PROGRAM (Dever, J., McColley, R.) To create the D.O.L.L.A.R. Deed Program.
303 (CONTINUED (No testimony); 3rd Hearing-Opponent)

HB IDENTITY THEFT (Maag, R.) To enable the parents or guardian of a protected consumer to freeze that
317 consumer's credit to protect the consumer from identity theft. (CONTINUED; 2nd Hearing-Proponent)

Support for the measure was offered on behalf of Attorney General DeWine by Melissa Smith, who directs the AG's Identification Theft Unit. She said a child's identity makes a perfect target for thieves as it is a "blank slate" for the opening of credit card accounts to even a mortgage, ruining the victim's credit for the rest of his or her life.

Ms. Smith explained that under current law, an individual must have an existing credit record in order to apply for a security freeze. Generally, she added, since minors do not have an established credit record, they are unable to take advantage of the protections provided with a security freeze. She said the bill addresses the issue by allowing credit reporting agencies to create a credit record for the minor and then issue a freeze on that individual's record.

Ms. Smith said the attorney general believes the bill creates a preventive protection, rather than a reactionary remedy, allowing parents and guardians to help protect children from those attempting to exploit them.

According to Ms. Smith, an amendment is being prepared to provide greater overall protections for sensitive documents being used to defraud, including Social Security numbers, federal and state taxpayer ID numbers, driver license numbers, checking, savings, credit and debit card numbers and medical records.

Governor's Appointments: The committee also unanimously recommended full Senate confirmation of the appointments of John Brown and Jordan Miller Jr. to the Banking Commission and Fred DeBiasi Jr. to the Savings and Loan Association and Savings Bank Board.

Insurance

HB WORKERS COMPENSATION (Henne, M., McColley, R.) To allow a state fund employer to have a
207 workers' compensation claim that is likely to be subrogated by a third party paid from the surplus fund
account in the state insurance fund rather than charged to the employer's experience (**REPORTED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

The committee reported the bill after adopting two amendments.

One amendment eliminates the requirement that a self-insuring employer have at least 500 employees, Sen. Bacon said. All of the other requirements and guidelines for the employer to self-insure will continue, he said.

The other amendment states that the Bureau of Workers' Compensation would have 180 days to determine if a claim would be charged to the surplus fund, and if the BWC doesn't act within 180 days, it would automatically be charged to the surplus fund.

The committee had expected to consider a separate amendment dealing with self-insured professional employer organizations, but the language of the amendment had gone through many changes and was not yet ready, Chair Sen. Hottinger said after the meeting. The amendment didn't deal specifically with the bill, he said, and is expected to find another vehicle.

SB CORPORATE GOVERNANCE (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273** (CONTINUED (See separate story); 2nd Hearing-Proponent)

Finance

HB ADOPTION ASSISTANCE (Pelanda, D., Grossman, C.) To extend the age for which a person is eligible **50** for federal foster care and adoption assistance payments under Title IV-E to age twenty-one, to provide a ward's bill of rights, to require that a guardian receive the Ohio Guardianship Guide, and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Rep. Pelanda said the measure, which would extend foster care to certain youth in the program and set guardianship guidelines, "is designed to offer protections for two of our state's most vulnerable populations."

The bill "will provide clear and needed guidelines outlining the rights and protections afforded to persons subject to a guardianship," she said, adding that the guidelines will be set by the attorney general or the Ohio Judicial Conference.

It also extends foster care benefits from age 18 to 25 as long as individuals meet education and work requirements, Rep. Pelanda said. Funding for the program isn't set to kick in until July 1, 2017, providing the state time to find dollars in the next biennial budget.

"The foster care age out provisions will additionally serve as a cost benefit to our state," she said. "Recent analyses of extending foster care project that, within 10 years, the state will benefit \$1.81 for every dollar spent."

Research also shows that children who age-out of foster care at 19 are more likely to experience homelessness, become incarcerated and drop out of school, Rep. Pelanda said.

Sen. Tavares asked how many other states have increased the foster care eligibility ages. Rep. Pelanda said age-out plans vary in 37 states that have extensions.

She said a majority of the funding for foster care is federal funding, but a bill for state funding has been introduced in the Senate. Sen. Skindell clarified that 60% of the funding is federal and it is matched to the amount the state puts in.

SB VEHICLE FUELS (Seitz, B., Peterson, B.) To create the Gaseous Fuel Vehicle Conversion Program, to **267** allow a credit against the income or commercial activity tax for the purchase or conversion of an alternative fuel vehicle, to apply the motor fuel tax to the distribution or sale of compressed natural gas, to authorize a temporary, partial motor fuel tax exemption for sales of liquid and compressed natural gas used as motor fuel, and to make an appropriation. (CONTINUED; 1st Hearing-Sponsor)

Because of the state's potential to supply oil and natural gas from shale plays in eastern Ohio, Sen. Seitz said it would be beneficial to put in place legislation that would promote the resources through tax credits.

"We believe that when economic benefits, energy independence, reliability, and sustainability are considered, SB267 is imperative to the growth of Ohio's future, and this legislation promotes the advancement of those alternative fuels by allowing for a credit against the income tax or commercial activity tax in order for entities to purchase or convert vehicles to an alternative fuel vehicle," he said.

The measure establishes tax incentives based on light, heavy and medium weights and are capped at a \$5,000, \$10,000 and \$25,000 increments, Sen. Seitz said. It provides a 50% tax incentive to convert an existing vehicle to a natural gas vehicle or a 50% tax incentive for the cost of purchasing a new natural gas vehicle.

Under the legislation, the OEPA would have the authority to administer a \$16-million-per-year grant program under the Gaseous Fuel Vehicle Conversion Program for nonprofit corporations, public transportation systems, school districts, and other public entities that are not eligible for the tax incentives but have upgraded their fleets, Sen. Seitz said.

The bill also establishes a ten-year phase-in for the compressed natural gas, liquid natural gas, and propane motor fuel tax, he said. It will top out at 28 cents per gallon.

Both the incentives and grant program, meanwhile, will be phased out after five years, he added.

Sen. Beagle said he's seen the vehicles outlined in the bill and asked if the sponsors believe there is anything the state could be doing to facilitate service stations for them. Sen. Seitz said he would like existing gas stations retrofit their current pumps and is supportive of a previously proposed low-interest loan program for those companies interested in doing so.

Sen. Seitz told Sen. Gentile that building pipelines to the natural gas plays will increase the price of the product.

Sen. Coley asked if it would be easier to establish an identification card program that would give people their gas tax credit at the time of purchase. Sen. Peterson said he doesn't see that in the current bill.

Sen. Skindell said areas in his district did change their fleets to liquefied natural gas, which gets less miles per gallon than traditional gas.

SB FINANCIAL LITERACY (Seitz, B.) To require the Chancellor of Higher Education to create the **274**SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. **(CONTINUED; 1st Hearing-Sponsor)**

Sen. Seitz said Ohio teachers, who are required to include financial literacy lessons in their curricula, are ill-prepared to present the topic and it shows in state data.

Ohio ranks fourth worst in the country on understanding financial literacy, which is why the General Assembly requires it to be taught in schools, he said. However, ODE has never created a model curriculum for schools to use.

The measure would create the Smart Model program and provide \$318,000 to the University of Cincinnati and seven higher education partners to train 500 educators who work with 7,500 students annually, Sen. Seitz said.

"Once a teacher is trained, the program can be implemented year after year," he said. "In Southwest Ohio, pilot programs have already been enacted with private funds and the comparative pre- and post-assessments show an average of a 43% increase in financial knowledge."

A companion measure (**HB 391**) has been advanced by the House Finance Committee, he noted.

Sen. Patton said he was disappointed that the proposal was taken out of the budget bill in the conference committee.

Also eager to see the bill advance, Sen. Sawyer asked the chairman about a timeline for the bill.

"The chair has every intention moving it out," Sen. Oelslager said.

SB COMMUNITY SCHOOL CONTRACTS (Schiavoni, J.) Regarding community school operator contracts **298** and the operation of Internet- and computer-based community schools. **(CONTINUED; 1st Hearing-**

■ Sponsor)

In response to reports that three online schools had "exaggerated" enrollment numbers and were overpaid hundreds of thousands of dollars from the state as a result, Sen. Schiavoni said the bill aims to toughen e-school attendance tracking requirements.

Currently, the only enrollment stipulation on e-schools is that they offer at least 920 hours of learning opportunities per year, he said. The bill would require school to keep a record of how long each individual students in actively participating in an online course during every 24-hour period. That information would have to be reported to ODE on a monthly basis.

"I believe that stronger attendance standards are the cornerstone of much-needed reforms," he said. "To put it simply, if students aren't logging in, they're not learning. When that happens, tax dollars are squandered and students lose out on the education they need and deserve."

Among other things, the measure would also require: an ODE licensed teacher to certify the accuracy of participation logs; governing board meetings to be live streamed; and e-school advertisements bought with public funds to include a disclaimer about the school's most recent report card grade.

Also included is a provision creating the E-School Funding Commission, which would be comprised of 17 members who would be charged with studying the costs to run such schools, Sen. Schiavoni said.

Sen. Schiavoni told Sen. Coley that he'd also like the bill to start a conversation about how e-schools are approaching career tech opportunities and what standards such program should meet.

Answering additional questions from the lawmaker, Sen. Schiavoni said he based the payment structure that's tied to attendance on ODE's 2016 Full Time Equivalency model, and he provided exemptions for high-performing students based on other exemptions that already exist.

Such exceptions and the parameters would be determined by the State Board of Education, he said.

The sponsor said he's "not married to every single word" of the bill and would be willing to make changes based on factual data. For example, he's interested in looking into how a blended-learning provision would impact Cincinnati City Schools sponsoring a second charter school that offers that type of curriculum.

Sen. Coley also questioned a requirement for governing boards to publish public notices of meetings. He said the approach is "1950s thinking" and could be difficult for schools to contact newspapers because their student body membership spans the entire state.

It should not be difficult for the schools, which teach students entirely online, to publish notices on newspaper websites or to stream video online of meetings, Sen. Schiavoni said.

The sponsor told Sen. Tavares that the bill is an additional step beyond charter school overhauls that were enacted earlier this year.

Sen. Sawyer, who worked on that legislation, said he's looking forward to building on it to create a more organized and accountable charter school industry.

Confirmation Hearings: Members confirmed the governor's appointments of: Susan Block, Ohio Arts Council; Phil Collins, University of Cincinnati Board of Trustees; Michael Flowers, Minority Development Financing Advisory Board; Will Lucas, University of Toledo Board of Trustees; John Martin, Ohio Higher Educational Facility Commission; and William Scala and Joseph Gingo, University of Akron Board of Trustees.

Agriculture

HB WINE SALES (Manning, N.) To establish the F-10 liquor permit to authorize certain A-2 permit holders **178** to sell Ohio wines at farmers markets. (CONTINUED; 2nd Hearing-All testimony)

Lee Klingshirn, speaking on behalf of the Winegrowers of Ohio and the Ohio Wine Producers Association, said the bill would help restore the agricultural connection to the wine industry, which has been diminished over recent decades as more wineries use non-regional fruit and promote themselves as entertainment destinations rather than farms.

"We would reconnect the consumer to the agricultural roots of wine and gain new customers through that connection," Mr. Klingshirn said. "And since farmers markets are not open every day, these new consumers will start seeking our local product in other beverage outlets, allowing us and those stores to establish new supply channels to these consumers."

Donita Anderson, executive director of North Union Farmers Market, said her market has more than 525,000 guests each year and that demographics indicate the majority consume wine frequently.

She said Washington, Oregon, New Hampshire and New York are each studying such legislation and that the measure must pass quickly to have the most benefit on the industry.

"Timing is of utmost importance on this legislation," Ms. Anderson said. "Markets are open for the critical period beginning in April and into the fall. The Ohio wine industry needs your support...as soon as possible."

Pearl Farmers Market Manager Adam Schroeder agreed, saying that although wineries desire to participate in markets, they often back out because of the "cumbersome process and the need for extremely limited permits."

"Through the establishment of an F-10 permit, markets could host Ohio wineries and provide a product line to customers that has been noticeably lacking in the past," he said. "Ohio wineries would have the opportunity to reach a customer base that they may have not been able to reach before."

Debevc Farms and Debonne Vineyards Winery President Tony Debevc Sr. said in written testimony the bill is a "starting point in aligning Ohio's agricultural farm wineries" with the regulations in other surrounding states.

HB ANIMAL TREATMENT (Ginter, T.) To authorize specified emergency personnel to provide certain **187** emergency medical services to an injured dog or cat. (CONTINUED; 2nd Hearing-All testimony)

Mary O'Connor-Shaver, speaking for various animal welfare organizations and the Animal Cruelty Task Force of Ohio, said the bill would allow EMTs to administer care that precedes, not replaces, that provided by a licensed veterinarian.

"Most importantly, we believe the proposed language would successfully address two important considerations: one - ensure EMTs and first responders do not administer drugs to injured companion and working animals without first consulting a licensed veterinarian, and two - ensure nothing changes about the process of a dispatcher handling a 911 call for incidents that do not require a first responder," Ms. O'Connor-Shaver said.

ASPCA Midwest Legislative Director Vicki Deisner praised the bill for encompassing not just companion animals, but service animals and police K-9 units.

"These service dogs are not only an important part of the individuals and officers lives. Their purchase and training represent an investment of both time and community finances," she said. "This bill will help save companion animal lives as well as investment in animals that service our community."

Cincinnati resident Beth Sheehan requested lawmakers consider adding language into the bill to include "elders and any vulnerable people." She said Florida lawmakers made a similar move, which expanded the base of those that can be saved by the legislation.

Animal advocate Jason Cooke said by giving EMTs immunity from civil liability, personnel would be able to assist pets and ease the minds of owners at the scene of an emergency. He said he believes first responders would take necessary steps under the bill to request equipment needed to stabilize dogs or cats.

"I envision, should HB187 become law, every first responder having adequate pet resuscitation/stabilization training and the proper equipment to administer the necessary aid our dogs and cats deserve in the unfortunate event of an emergency," he said.

Ohio Veterinary Medical Association Executive Director Jack Advent expressed the group's support in written testimony, adding that the association worked with sponsors to craft the list of allowable medical treatment, which includes oxygen administration, bandaging, and controlling bleeding.

"The intent is to allow emergency responders to provide basic first aid so the animal can be safely transported to a veterinarian for further care and treatment," Mr. Advent wrote.

The Ohio Fire Chief's Association and citizen Robert Swickard also submitted written proponent testimony.

HB WINERY PERMITS (Young, R.) To create the Ohio Farm Winery Permit. **(SCHEDULED BUT NOT 342 HEARD; 2nd Hearing-All testimony)**

HBCOMPANION ANIMAL ABUSE (Hall, D., Patmon, B.) To revise provisions and penalties regarding **60** treatment of companion animals, to revise the definition of "companion animal" in the Offenses Relating to Domestic Animals Law, and to provide a state collaborative effort to assist veterinarians in identifying clients who may use their animals to secure opioids for abuse. **(CONTINUED; 3rd Hearing-All testimony)**

Brook Park city councilman Carl Burgio applauded the bill, while joining other proponents in bemoaning the failure of similar legislation in past years.

"Previously, eight felony cruelty bills have died in Columbus in recent years," he said. "Let's work together in a bipartisan manner to make Ohio and its residents proud by passing this thoughtful, well-crafted bill to protect the very things we hold dear - our companion animals."

But even proponents of the bill's intent questioned certain provisions, urging the panel to make more changes before forwarding the bill to the full Senate for consideration.

Sheffield resident Pat Fogo recommended the bill be revised to retain original language from a previous failed bill (**HB 274**, 130th General Assembly), including language that would create first or second misdemeanors on first offense and a fifth degree felony if cruelty or negligence on the part of caretakers or kennel workers results in death.

She and other interested parties also urged the panel to toss out a previous amendment that would prevent humane societies from appointing special prosecutors in cases of abuse. Advocate Jason Cooke said that prior amendment "baffles me."

"A special prosecutor is much more apt to handle these cases, in my opinion, and can give these cases the much needed expertise, attention, and priority they deserve," Mr. Cooke said. "Prohibiting a humane society from appointing a special prosecutor to handle felony cases of animal cruelty is a mistake."

Cincinnati resident Beth Sheehan said she opposes the section of the bill that would require the attorney general, the Veterinary Medical Licensing Board, the State Board of Pharmacy and the Ohio Veterinary Medical Association to collaborate on identifying potential opioid abusers.

She said Ohio's veterinarians operate on the "honor system" and therefore are unequipped to identify opioid abusers. "The black hole in veterinary oversight leaves a lot of room for bad actors, flying low under the radar, to take advantage," she said.

"This important clause, which attempts to add another layer of defense against our raging epidemic of illegal drug use, must be stricken," she said. "The suggested collaboration will not have an impressive result."

John Murphy, executive director of the Ohio Prosecuting Attorneys Association, in written opponent testimony said the association believes current penalties for the offenses in question suffice.

"We have not done a study on the issue, but we doubt that judges are fully utilizing the penalties that are available to them under current law, which for a first degree misdemeanor includes jail time up to six months and a substantial fine," Mr. Murphy wrote.

He said an offender may get a higher penalty from a municipal or county court judge than from a common pleas court judge who is used to dealing with more serious crimes and that the cases would take longer to process under the bill.

"In our view, bills that increase penalties from misdemeanors to felonies without a compelling reason to do so are burdening our justice system," Mr. Murphy wrote. "Bills like these, if enacted, add costs not only to the prosecutors' offices but to all aspects of the justice system when there is no real need to do so."

Attorney DanaMarie Pannella of Hollard and Muirden submitted written interested party testimony.

SB DOGS LAW (Beagle, B.) To revise provisions of the Dogs Law governing nuisance, dangerous, and vicious **151**dogs, to revise enforcement of that Law, and to establish a notification process regarding complaints of certain violations of that Law. (**CONTINUED (See separate story)**; 3rd Hearing-All testimony)

Subscribers Note: For full testimony, see the [committee's website](#) under April 26.

Transportation, Commerce & Labor

SB TRANSPORTATION FUNDING (Manning, G.) To make supplemental appropriations related to **315**transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an emergency. (**CONTINUED**; 1st Hearing-All testimony)

Carly Allen, of the Amalgamated Transit Union Local 697, welcomed the bill's intent to keep federal funds flowing to the state but bemoaning Ohio's spending levels on local transit initiatives.

She said 60 transit systems share \$7.3 million in state funding and that they will not be able to take full advantage of the money in the federal transportation budget.

Chairman LaRose said the bill would be slated for a committee vote Wednesday followed by a possible floor vote.


Governor's Appointment: The committee voted to forward for full senate consideration the governor's appointment of Scott Williams to the State Fire Commission.

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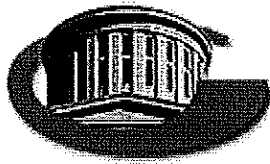
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Legislative Committees

Senate Government Oversight & Reform (*Committee Record*) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 8:45 a.m.

SB AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof. **303** (2nd Hearing-Proponent)

SB PAWNBROKERS (Eklund, J.) To make changes to the law relating to pawnbrokers. (2nd Hearing-**270** Proponent)

SB ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and **227** functions of the Attorney General. (4th Hearing-All testimony-Possible amendments & vote)

SB NATURAL RESOURCES (Balderson, T.) To revise specified laws relating to natural resources. (2nd **293** Hearing-Proponent)

House Economic & Workforce Development (*Committee Record*) (Chr. Baker, N., 466-0961), Rm. 114, 9 a.m.

HB TAX EXEMPTION (Young, R., Romanchuk, M.) To exempt employment services and employment **343** placement services from sales and use tax. (8th Hearing-All testimony-Possible vote)

Senate Health & Human Services (*Committee Record*) (Chr. Jones, S., 466-9737), North Hearing Rm., 9 a.m.

SB MALNUTRITION (Manning, G.) To create the Malnutrition Prevention Commission to study malnutrition **245** among older adults. (4th Hearing-All testimony-Possible amendments & vote)

HB DRUG SALES (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of **197** dextromethorphan to a person who is under 18 years of age. (3rd Hearing-Opponent & interested party-Possible vote)

HB AWARENESS DAY (Sheehy, M., Patterson, J.) To designate February 17th as "Annie Glenn **431** Communication Disorders Awareness Day." (3rd Hearing-All testimony-Possible vote)

SB DIABETES (Hite, C.) To require state agencies to assess the incidence of diabetes in Ohio, to establish **287** goals and plans to reduce that incidence, and to submit biennial reports with findings and recommendations for fiscal and legislative policies on diabetes prevention, treatment, and management. (1st Hearing-Sponsor)

SB AWARENESS MONTH (Yuko, K.) To designate September as "Pain Awareness Month." (1st Hearing-**291** Sponsor)

SB FLU VACCINE (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine **311** information sheet pertaining to older adults. (1st Hearing-Sponsor)

SB POSTMORTEM TESTING (Patton, T.) To require the Director of Health to survey coroners and **28** laboratories concerning the collection, retention, and processing of blood and tissue specimens for postmortem genetic testing, to recommend legislative and fiscal policies after analyzing survey results, and to establish an advisory council to assist the Director with those responsibilities. (2nd Hearing-Proponent)

HB CHEMICAL DEPENDENCY (Sprague, R.) Regarding the practices of chemical dependency counseling and prevention services. (2nd Hearing-Proponent)

SB OUTPATIENT TREATMENT (Beagle, B.) Regarding minors and outpatient mental health treatment. (3rd 42 Hearing-All testimony)

House Health & Aging (Committee Record) (Chr. Gonzales, A., 466-4847), Rm. 116, 9:30 a.m.

HB MEDICAID DRUG COVERAGE (Sprague, R., Antonio, N.) To prohibit certain health care plans and the 248 Medicaid program from denying coverage for opioid analgesic drugs with abuse-deterrent technology based solely on cost. (4th Hearing-All testimony-Possible substitute)

HB AWARENESS DAY (Terhar, L., Johnson, T.) To designate January 31 as 'Omphalocele Awareness Day.' 490 (2nd Hearing-All testimony-Possible vote)

HB PALLIATIVE CARE FACILITIES (Schuring, K.) Regarding palliative care facilities. (2nd Hearing-470 Proponent)

HB BIOLOGICAL PRODUCTS (Huffman, S., Pelanda, D.) Regarding the regulation of biological products 505 and the substitution of interchangeable biological products when dispensed by pharmacists. (2nd Hearing- Opponent)

Senate Ways & Means (Committee Record) (Chr. Peterson, B., 466-8156), South Hearing Rm., 9:30 a.m.

SB TAX CREDITS (Gentile, L.) To authorize a refundable income tax credit for employers that hire one or 18 more qualified veterans or members of the National Guard or reserves. (1st Hearing-Sponsor)

HB DEVELOPMENT ZONES (Schuring, K.) To revise the law governing the creation and operation of joint 182 economic development districts (JEDDs) and enterprise zones. (1st Hearing-Sponsor)

HB TAX EXEMPTION (Schaffer, T., Retherford, W.) To exempt the sale of natural gas by a municipal gas 390 company from the sales and use tax. (1st Hearing-Sponsor)

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property 235 on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences. (6th Hearing-All testimony-Possible amendments & vote)

SB TAX EXEMPTION (Burke, D., Gardner, R.) To exempt the first \$500 of prescription eyeglasses, contact 216 lenses, and other optical aids sold by licensed dispensers from sales and use tax. (3rd Hearing-All testimony)

HB TAX LAWS (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2 166 1/2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, to require that notices of appeal from a decision of the Board of Tax Appeals originating with a county board of revision be filed with that board and the county auditor, to clarify the effect of certain certifications related to the repealed personal property tax, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts. (3rd Hearing-All testimony-Possible amendments)

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the 246 purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (4th Hearing-All testimony)

Senate Transportation, Commerce & Labor (Committee Record) (Chr. LaRose, F., 466-4823), North Hearing Rm., 10:15 a.m.

SB TRANSPORTATION FUNDING (Manning, G.) To make supplemental appropriations related to 315 transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an

emergency. (2nd Hearing-All testimony-Possible vote)

HB PROFESSIONAL ENGINEERS (Landis, A., Blessing, L.) To require professional engineers to complete 236 continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices. (1st Hearing-Sponsor)

HB LICENSE PLATE (Grossman, C.) To create the "Dream Field" license plate. (1st Hearing-Sponsor) 195

SB DWELLING EGRESS (Beagle, B., Lehner, P.) To require a separate, exterior means of egress for dwelling 205 areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement. (3rd Hearing-All testimony)

SB ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. (1st 249 Hearing-Sponsor)

House Financial Institutions, Housing & Urban Development (Committee Record) (Chr. Terhar, L., 466-8258), Rm. 113, 11 a.m.

HB STATE FINANCING (McClain, J.) To authorize the Treasurer of State to issue revenue obligations of the 435 state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. (4th Hearing-All testimony-Possible vote)

HB MORTGAGE FORECLOSURES (Dever, J.) To establish expedited actions to foreclose mortgages on 463 vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. (4th Hearing-All testimony-Possible vote)

Senate Rules & Reference (Committee Record) (Chr. Faber, K., 466-7584), Majority Conf. Rm., 11 a.m.

Senate Criminal Justice (Committee Record) (Chr. Eklund, J., 644-7718), North Hearing Rm., 11:15 a.m.

- The panel will consider the governor's appointments of Dwight Holcomb to the Ohio Private Investigation and Security Services Commission, Roger Synenberg to the Ohio Public Defender Commission and Christopher Viland to the Ohio Organized Crime Investigations Commission

HB FAILURE TO STOP (Hill, B.) To increase the penalty for failure to stop after a traffic accident that results 110 in the death of a person or serious physical harm to a person and to name this act Brandon's Law. (8th Hearing-All testimony-Possible amendments & vote)

HB RECORD SEALING (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may 164 not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed. (5th Hearing-All testimony-Possible amendments & vote)

HB HEROIN TRAFFICKING (Blessing, L., Dever, J.) To decrease the minimum amount of heroin involved in 171 a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender. (4th Hearing-All testimony)

HB ARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the 185 property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. (1st Hearing-Sponsor)

HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning. (2nd 405 Hearing-Proponent)

SB EXPUNGEMENT (Obhof, L.) To provide that a person who is found not guilty of an offense by a jury or a 284 court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (2nd Hearing-Proponent)

House Session (Chr. Rosenberger, C., 466-3357), House Chamber, 1:30 p.m.

Senate Session (Chr. Faber, K., 466-4900), Senate Chamber, 1:30 p.m.

House State Government (Committee Record) (Chr. Maag, R., 644-6023), Rm. 121, 2:30 p.m. or after session

SB AWARENESS MONTH (Seitz, B., Tavares, C.) To designate the month of April as "Genocide Awareness 188Month." (2nd Hearing-All testimony-Possible vote)

HBTRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise 341the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (5th Hearing-All testimony-Possible amendments & vote)

HBMILITARY RECORDS (Perales, R.) To specify that an order for active military service or other 423documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record. (3rd Hearing-All testimony-Possible vote)

HB AWARENESS DAY (Anielski, M.) To designate the Saturday before Thanksgiving as "Ohio Survivors of 440Suicide Loss Day." (2nd Hearing-All testimony-Possible vote)

HB PERRY COUNTY COURT (Hayes, B.) To create the Perry County Municipal Court in New Lexington on 495January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (2nd Hearing-Proponent)

Senate Civil Justice (Committee Record) (Chr. Bacon, K., 466-8064), Finance Hearing Rm., 2:30 p.m. or after session

- The panel will consider governor's appointments of Juan Cespedes to the Ohio Civil Rights Commission and Megan Kelley and Mark Vander Laan to the Ethics Commission

HB DRIVER'S LICENSE SUSPENSIONS (Pelanda, D.) To make the suspension of an offender's driver's 307license for a violation of specified drug offenses discretionary rather than mandatory, to authorize a court to terminate a driver's license suspension imposed for specified drug offenses committed out-of-state, to generally authorize a court to terminate a previously imposed mandatory suspension for specified drug offenses, to provide for the discretionary suspension of an offender's driver's license for possessing nitrous oxide in a motor vehicle, and to make consistent the provisions of law governing the ability of a court to grant limited driving privileges. (1st Hearing-Sponsor)

SB LIFE-SUSTAINING TREATMENT (Lehner, P.) To establish procedures for the use of medical orders for 165life-sustaining treatment and to make changes to the laws governing DNR identification and orders. (5th Hearing-All testimony-Possible amendments & vote)

SB VOTING HOURS (Seitz, B.) To specify the conditions under which a court may order that a polling place 296be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot. (2nd Hearing-Proponent)

SB PERRY COUNTY COURTS (Hottinger, J.) To create the Perry County Municipal Court in New Lexington 299on January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (2nd Hearing-Proponent)

SB CHILD SUPPORT (Coley, B.) To amend the child support laws. (1st Hearing-Sponsor)

308

House Select Committee on Medical Marijuana (Chr. Schuring, K., 752-2438), Rm. 313, 3 p.m.

HB MEDICAL MARIJUANA (Huffman, S.) To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (5th Hearing-All testimony)

Joint Medicaid Oversight Committee (Committee Record) (Chr. Burke, D., 466-1731), Rm. 113, 3 p.m. or after session

- Subcommittee on Department of Health Programs - Ryan White Part B
- Review of the Ryan White Part B Program and Statewide Efforts around HIV/AIDS by Gregory Craig, Joint Medicaid Oversight Committee; Shancie Jenkins, Ohio Department of Health; Patrick Beatty, Ohio AIDS Coalition and Tara Britton, Center for Community Solutions

Senate Study Committee on Receivership (Chr. Coley, B., 466-8072), South Hearing Rm., 4 p.m.

- Testimony from Ohio Judicial Conference

Agency Calendar

Law Enforcement Gateway Advisory Group, BCI, 1560 State Route 56 SW, London, 10 a.m. (The advisory committee meeting will be followed at 11 a.m. by the OHLEG Steering Committee)

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

Event Planner

Molina Healthcare of Ohio annual capitol lobby day

Rep. Kent Smith (D-Elyria) fundraiser, Einsteins Bros. Bagels, 41 S. High St., Columbus, 7:30 a.m., (Sponsor: \$1,000, \$500, \$250 to Kent Smith Committee)

Ohio Association of Community Action Agencies news conference to release State of Poverty in Ohio Report, Ladies Gallery, Statehouse, Columbus, 10 a.m.

Senate President Keith Faber (R-Celina) news conference on public records access legislation, Press Briefing Rm., Statehouse, Columbus, 10:30 a.m.

Rep. Marilyn Slaby (R-Copley) fundraiser, Capital Club - River Room, 41 S. High Street, Columbus, 11:30 a.m., (Chair: \$1,000; Host: \$500; Sponsor: \$350 to Slaby for State Representative)

NAMI of Ohio and YouthMOVE Ohio news conference on multi-system issues, Ladies Gallery, Statehouse, Columbus, 1 p.m.

Ohioans for Medical Marijuana news conference, 13th Fl. Conf. Rm., 88 E. Broad St., Columbus, 1 p.m.

Ohio Grocers Association Legislative Reception, Museum Gallery, Statehouse, Columbus, 4:30 p.m.

Rep. Kathleen Clyde (D-Kent) fundraiser, Olivers, 26 N. High St., Columbus, 5 p.m., (Sponsor: \$1,000, \$500, \$250 to Kathleen Clyde Committee)

Sen. Minority Leader Joe Schiavoni (D-Youngstown) fundraiser, Due Amici, 67 E. Gay Street, Columbus, 5 p.m., (Host - \$1500; Sponsor - \$1000; Friend - \$750 to Friends of Joe Schiavoni)

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Senate Floor Report

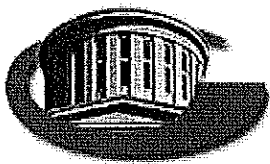
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Senate Activity for Wednesday, April 27, 2016

PASSED

HB AUTISM SCHOLARSHIPS (Blessing, L., Rezabek, J.) To permit the temporary, legal, or permanent custodian of a 299qualified child to apply for an Autism Scholarship.

32-0

SB MILITARY FIREARMS (Uecker, J., Gardner, R.) To specify that an active duty member of the U.S. Armed Forces: (1) 199does not need a concealed handgun license to carry a handgun concealed if the member is carrying valid military identification and a certificate indicating successful small arms qualification; and (2) may be sold or furnished a handgun if the member has received military or equivalent small arms training.

32-0

SB DEFERRED COMPENSATION (Hottinger, J.) To authorize the Ohio Public Employees Deferred Compensation Board 220and local governments to establish designated Roth account features and other tax-deferred or nontax-deferred features permitted for government deferred compensation plans.

32-0

SB AWARENESS DAY (Bacon, K.) To designate the first day of June as "Hypoparathyroidism Awareness Day."

22532-0



SB CARDIAC ARREST (Hite, C., Patton, T.) With regard to sudden cardiac arrest in youth athletic activities.

25232-0

SB TRANSPORTATION FUNDING (Manning, G.) To make supplemental appropriations related to transportation for the 315biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an emergency.
Bill: 32-0; Emergency: 32-0; Earlier REPORTED

REFERRED

Agriculture

HB LIQUOR LAWS (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor permit holder 351 may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit.

SCRAGRICULTURAL TECHNOLOGY (Peterson, B.) To support the use of science-based data to assess the impacts 20 and regulation of modern agricultural technologies, and to oppose federal, state, or local legislative or regulatory actions that are not based on sound science and that may result in unnecessary restrictions on the use of modern agricultural technologies.

Civil Justice

SB DISCRIMINATION (Skindell, M., Tavares, C.) To prohibit discrimination on the basis of sexual orientation or gender 318identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law.

Criminal Justice

SB SEXUAL IMPOSITION (Hughes, J.) To increase the penalty for sexual imposition when the offender previously has 316 been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses.

Energy & Natural Resources

SB RENEWABLE ENERGY (Seitz, B.) To revise the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit property owners to petition municipal corporations and townships for the purpose of developing and implementing special energy improvement projects, to govern condominium association participation in special improvement districts, to require deployment and permit cost recovery of advanced energy analytics technology by electric distribution utilities, and to revise the law governing net metering service provided by electric utilities and electric services companies.

Finance

HB 911 LEVIES (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system.

SB BANKING LAWS (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of Ohio.

Government Oversight & Reform

SCRSUPREME COURT (Skindell, M.) To urge the United States Senate to hold any and all necessary hearings, to perform the Senate's constitutional duty, and, after appropriate consideration, to hold a vote to confirm or deny the nomination of the Honorable Merrick Garland to the Supreme Court of the United States.

Health & Human Services

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the practice of pharmacy, and the provision of addiction services.


State & Local Government

HB VETERAN IDENTIFICATION (Anielski, M., Terhar, L.) To authorize county recorders to issue Ohio veterans identification cards.

HB TOWNSHIP LAW (Brinkman, T.) To add to the purposes for which a board of township trustees may go into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.

Transportation, Commerce & Labor

SR RAIL CREWS (Skindell, M.) To support the Federal Railroad Administration's proposed rule requiring trains operated in the United States to have at least a two-person crew.

Click the  after a bill number to track that bill and create email alerts on activity.

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Ohio Report, Wednesday, April 27, 2016

1 message

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**GONGWER** Ohio
The Record of Capitol Square Since 1906**Ohio Report for Wednesday, April 27, 2016**

House Sends Sales Tax Holiday Bill To Governor, Elects New GOP Leaders

Senate Approves ODOT Funding Plan, Authorizes Weapons For Qualified Active Duty Troops

Sportsmen, Environmental Groups Balk At Natural Resources MBR

Faber, Yost, DeWine Back New Public Records Measure

Sponsor, ONA To Talk Open Records Concerns On Military Protection Bill

'Extremely Contentious' Bill To Eliminate Temp Agency Sales Taxes Clears House Committee

Medical Marijuana Supporters Lean Toward Constitutional Amendment Language

Elections Officials Back Bill Limiting Orders Extending Polling Hours

Limited Immunity, New Responsibilities For 911 Dispatchers In Good Samaritan Bill Draws Opposition

Suggestions For HIV/AIDS Treatment Include Raising Income Eligibility Limit, Making Better Use Of Federal Funding

Receivership Study Committee Begins Work; Chairman Foresees Quick Turnaround For Report

New Report Highlights Extent Of Poverty In Ohio

Mental Health Advocates Urge Support For Truancy Bill, Expansion Of Mental Health Screenings

Ohio Business: Goodyear, Timken, First Energy, Others Report Financial Results

Governor's Appointments

Supplemental Agency Calendar

Senate Committee Hearings

Ways & Means

Transportation, Commerce & Labor

Civil Justice

Criminal Justice

Government Oversight & Reform

Health & Human Services

House Committee Hearings

Economic & Workforce Development

Financial Institutions, Housing & Urban Development

Health & Aging

State Government

Select Committee on Medical Marijuana

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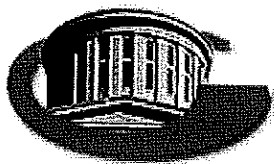
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GONGWER Ohio

The Record of Capitol Square Since 1906

Volume #85, Report #81 -- Wednesday, April 27, 2016

House Sends Sales Tax Holiday Bill To Governor, Elects New GOP Leaders

Ohio is in line for another sales tax holiday focused on back-to-school items this August under a bill finalized by the House Wednesday.

Headed to the governor's desk for his expected signature, the measure (SB 264) attracted near-unanimous support in the House, which did not amend the bill.

Sponsored by Sen. Kevin Bacon (R-Minerva Park), it provides for tax-free purchases on certain clothing and school supplies from Aug. 5-7. Eligible purchases of clothing and shoes are capped at \$75 per item, and school supplies and instructional materials at \$20 per item.

The proposal mirrors a similar pre-school, tax-free weekend last year that proved to be popular. An industry-backed study found that \$46.75 million in tax-exempt sales took place during the holiday and that overall retail sales increased by 6.48% in August. (See Gongwer Ohio Report, February 17, 2016)

Several members voiced support for the measure on the floor Wednesday, including Rep. Ryan Smith (R-Bidwell) and Rep. Jack Cera (D-Bellaire), who said it was especially popular among businesses and consumers in border communities.

"This important legislation will help working class families across Lorain County," Rep. Nathan Manning (R-N. Ridgeville) added. "Giving tax relief to those who need it most while also stimulating the economy for small businesses is common-sense legislation."

The bill passed 94-1, with only Rep. Jim Butler (R-Oakwood) opposed.

Mr. Butler, who also opposed the holiday last year, expressed skepticism over its effectiveness in an interview after the vote, saying it mainly caused consumers to spend more during that short period than they would have otherwise.

That's "not necessarily a good thing for Ohioans," he said, adding: "I'd rather lower taxes on Ohioans for the whole year."

Sen. Bacon and the Ohio Council of Retail Merchants applauded the House's action.

"Ohio's Sales Tax Holiday will help families stretch their dollar a little further as they purchase the materials to prepare their children for success in the classroom," the lawmaker said in a statement. "The opportunity to save money on essential clothing and school items will reduce the financial strain on families and will boost sales for local retailers."

OCRM President and CEO Gordon Gough said the 2015 version triggered "Black Friday-style increases in consumer activity, with consumers taking advantage of this tax break on important back to school and clothing items."

"This year we hope to build on that success and make it an even better event for consumers," he said.

The House passed three other measures unanimously.

A bill ([HB 361](#)) sponsored by [Rep. Andy Brenner](#) (R-Powell) would allow townships and park boards to spend money on community events at their properties. He said the bill stemmed from a prosecutor's opinion that led to the cancellation of a family-oriented "movie in the park" in a Delaware County township.

The chamber also sent back to the Senate a bill designating the seventh day of August as "Ohio Purple Heart Day" ([SB 239](#)) and adopted a resolution urging Congress to enact the ADA Education and Reform Act of 2015 ([HCR 32](#)).

[Rep. Rob McColley](#) (R-Napoleon), the resolution sponsor, said the federal legislation was aimed at curbing the practice of lawsuit abuse centered on ADA requirements. The bill would provide property owners a 60-day window to cure violations before lawsuits are permitted, he said.

Expressing some skepticism over what she called a "gotcha" measure, [Rep. Teresa Fedor](#) (D-Toledo) said ADA has been beneficial. "People are still complaining about the Civil Rights Act," she observed.

The Democrat then joined the rest of the House in supporting the measure.

In other business, the House made official the recently announced changes in majority caucus leadership with the unanimous adoption of a resolution ([HR394](#)) on the elections.

[Rep. Barbara Sears](#) (R-Maumee) and [Rep. Mike Dovilla](#) (R-Berea), neither of whom will return to the House next year, relinquished their respective posts as majority floor leader and majority whip under an agreement with [Speaker Cliff Rosenberger](#) (R-Clarksville).

[Rep. Kirk Schuring](#) (R-Canton) was elected majority whip, [Rep. Dorothy Pelanda](#) (R-Marysville) moved up one slot to majority whip and [Rep. Sarah LaTourette](#) (R-Bainbridge Twp.) was elected assistant majority whip.

[Rep. Ron Amstutz](#) (R-Wooster), the speaker pro tem, and [Rep. Jim Buchy](#) (R-Greenville), the assistant majority floor leader, retained their slots.

Senate Approves ODOT Funding Plan, Authorizes Weapons For Qualified Active Duty Troops

Senators passed and sent to the House Wednesday a fast-moving bill that authorizes the use of \$684 million in new funds for highway construction, public transportation programs and bond funds.

The 32-0 vote on the bill came after the Ohio Department of Transportation initially sought authorization for the spending through the Controlling Board.

[Sen. Gayle Manning](#) (R-N. Ridgeville) said the proposal ([SB 315](#)) is good news for Ohio in that it will accelerate and spur construction projects that are in the pipeline. (See [Gongwer Ohio Report, April 20, 2016](#))

[Sen. Bill Coley](#) (R-Liberty Twp.), a member of the Controlling Board, said the size of the initial request drew the attention of board members. He said the board felt it would be preferable to instead move the plan through the legislature in order to have a more thorough review.

Members also voted unanimously to allow active duty military members to carry a concealed weapon without obtaining a permit if they are qualified in small arms and are carrying a valid military identification. The measure also dictates that those qualifying may also be sold a handgun.

[Sen Joe Uecker](#) (R-Loveland) said the bill ([SB 199](#)) allows military members to defend themselves and their families while they are in Ohio.

He said the state should trust those on active duty with concealed weapons, considering the training they have received during their service in the U.S. military.

Sen. Uecker said the measure would also provide an extra level of protection for troops who have found themselves targeted by terrorists abroad and also at home.

Sen. Randy Gardner (R-Bowling Green) added that the vote on the bill isn't a vote on the state's concealed weapons program or the 2nd Amendment in general. Rather, he said it is a vote of trust for people in military uniforms.

The Senate also backed a proposal (SB 252) that Sen. Cliff Hite (R-Findlay) said is designed to help coaches recognize symptoms that could be tied to sudden cardiac arrest.

Among other things, the bill blocks students or young athletes from participating in athletic activities until they have signed a form indicating that they have reviewed guidelines regarding cardiac arrest. Further, the bill prevents a person from coaching unless he or she has completed a cardiac arrest training course in the last three years.

Sen. Hite said the measure will educate coaches at all levels, adding that issues that could lead to cardiac arrest can't regularly be identified in typical athletic physicals.

"This is a chance for all of us in this body to save lives," he said.

Sen. Jay Hottinger (R-Newark) won support for a proposal (SB 220) that grants more flexibility for governments to create Roth-like features on certain deferred compensation plans. He said current law is unclear on whether those programs are possible, adding that the bill would create a new supplemental retirement option.

The chamber also approved measures allowing custodians of qualified children to apply for Autism Scholarships (HB 299) and declaring June 1 as Hypoparathyroidism Awareness Day (SB 225).

Sportsmen, Environmental Groups Balk At Natural Resources MBR

A coalition of outdoors, environmental and boating organizations raised concerns Wednesday about the impact that sections of the Kasich Administration's natural resources mid-biennium review bill could have on Ohio's recreational activities.

Witnesses said the proposed changes in the bill (SB 293) could create issues with natural resources law enforcement and limit citizen input and involvement.

Ken Alvey, director of the Boating Associations of Ohio, testified in opposition, saying the group has some hesitation about merging the divisions. While he said boaters recognize the need for governmental efficiency, they feel they should have a dedicated agency to serve their needs.

He also expressed concerns about the proposed dissolution of the Waterways Safety Council, which he said has a key role in recommending how boat-generated and dedicated fuel tax revenues are spent.

Mr. Alvey said boaters want to preserve the council - which does not receive general revenue funds - as a way to suggest needed improvements along Ohio waters. The step, he said, will diminish transparency on how funds are spent.

Sen. Bill Coley (R-Liberty Twp.) said he has been involved in budget and spending discussions for years and has never heard from the council. He further questioned why the comments and suggestions can't be made through an informal process.

Mr. Alvey said the council has played a role in suggesting changes through the Division of Watercraft, and said the elimination could result in lawmakers being more involved in the decision-making process.

"That's a sign of something being done right, not something being done wrong," he said.

Sen. Dave Burke (R-Marysville) said it seems the focus of the consolidation is on improving safety - something the boating industry should support.

"To me, less government in this sense would benefit the public and your cause," he said.

Rob Sexton of the Sportsmen's Alliance said the group favors the main intent of the bill, but nonetheless registered as an opponent because of law enforcement-related changes.

"The main root of Ohio's successful law enforcement model on public grounds is that Park Rangers answer to the chief of their division," he said. "Watercraft Officers answer to their chief. Wildlife officers, to theirs, etc."

He said the group fears that proposed changes could create a situation - like in other states - where a "strictly law enforcement culture" would take control.

"To be fair, Senate Bill 293 does not convert law enforcement in the DNR to the cop only model," he added. "But it takes yet another step in that direction. And although it may seem like an issue of semantics, the steps taken in this bill are much more significant than they appear on their face."

He also flagged language that allows the DNR director - rather than the chief of the appropriate division - to appoint the newly-named natural resources officers.

"We believe these two changes bring us right up to the gate of establishing independent law enforcement," he said. "And we believe that is a serious mistake."

Sen. Bill Seitz (R-Cincinnati) said it seems appropriate for the agency's director - rather than the chiefs - to make those decisions. "We're not going to let bureaucrats run the state," he said.

Jack Shaner of the Ohio Environmental Council also offered opposing testimony. He said his group opposes the elimination of a citizen input council on natural areas, pointing out that other similar councils regarding forestry and wildlife are being preserved.

He said the Kasich Administration has chosen to not appoint members to the Natural Areas Council, which he said is a citizen sounding board that includes no reimbursement for members. The move, he said, appears to single out nature lovers.

Sen. Seitz said there is nothing that would prevent organizations from offering recommendations to the agency, which he said is happy to receive public input. He added that there are many such councils that have members who tend not to show up for meetings.

Larry Mitchell, board chair of the League of Ohio Sportsmen, said his group has mixed position on the bill. He said the group opposes eliminating individual Scenic Rivers Advisory Councils and objects to combining law enforcement positions into a single department-wide unit.

He also added that the group is concerned with the proposed merger of the two divisions.

"The practical concern is that the operations of these two divisions differs greatly in scope," he said. "The combined division will likely feel pressure to utilize the former watercraft officers to do beach patrol and other non-water related duties. There is the potential for a loss of quality service for our parks, campground and watercraft using patrons."

The bill did, however, draw support from the United States Canoe Association and the U.S. Freshwater Boaters Alliance.

Mary Jo Monte-Kaser of the USCA said the merger of the DNR's parks and watercraft divisions would increase safety on state recreational lands and would help generate more resources for improvements at boat ramps and park restrooms.

She said the change would also help Ohioans get information about parks and boating at a single location.

Jeff Marcum of the US Freshwater Boaters Alliance said the change would minimize administrative expenses within ODNR, helping to speed improvements. He said the change puts the public first and increases the safety of Ohioans.

Faber, Yost, DeWine Back New Public Records Measure

Ohioans looking to appeal denials of public records requests could proceed through a new, low-cost mediation program established through legislation announced on Wednesday.

The process, included in a bill to be introduced by Senate President Keith Faber (R-Celina), offers an alternative path for Ohioans whose requests are initially denied.

Mr. Faber said the expedited appeal process sets the stage for the public to obtain the information they want more quickly, and without the costs often associated with filing mandamus actions at the Ohio Supreme Court.

Appeals to the high court would continue to be an option, he said.

"We're blazing new ground," Sen. Faber said at a Statehouse news conference, adding that the process appears to be the first of its kind in the nation.

The plan, he said, increases transparency, minimizes costs and protects government agencies from frivolous filings.

Sen. Faber, who has been mentioned as a potential state auditor candidate in 2018, said the goal for most people who seek public information is simply to get the records, not rack up legal fees. He said the measure would address circumstances in which governments delay the release of records, and then provide them to avoid the assessment of legal fees.

State Auditor Dave Yost, who was involved in developing the proposal, said enactment could mean an end to his office's record request mediation program.

He said the record process often involves "asymmetrical warfare" between governments with lawyers who can fend off requests and citizens who might not have sufficient resources to appeal denials.

That imbalance, he said, has a "chilling effect" on the public's efforts to obtain information.

The bill creates a process by which people seeking records could make a local court filing for \$25 that would trigger a mediation process that could be conducted over the phone. The process would go through the Ohio Court of Claims.

Damian Sikora, chief of the attorney general's Constitutional Offices Section, also indicated that AG Mike DeWine is supportive of the plan. He said Mr. DeWine - who was on the scene of a mass murder in southern Ohio on Wednesday - is a believer in open government and transparency.

Dennis Hetzel, executive director of the Ohio Newspaper Association, also lent support for the plan, which he said would open records to more citizens.

"This is really about leveling the playing field," he said. While most governments try to do the right thing by releasing documents, sometimes they make incorrect decisions based on law.

"These are public records, these are not the government's records," he added.

Sen. Faber said he anticipates that most disputes would follow the expedited process, but added that the Supreme Court route is still an option. The goal for closing an appeal through the new system would be 45 days, he said.

"We think most of the time, that's going to take care of it," he said.

Sen. Faber said the bill's authors are also open to suggestions that may not have been included in the drafting stages.

Sponsor, ONA To Talk Open Records Concerns On Military Protection Bill

Although agreeing the bill means well, Ohio Newspaper Association Executive Director Dennis Hetzel raised several concerns Wednesday about a measure to exempt military calls to order from public disclosure.

The bill's aim to protect service members from threats and harm is valid, Mr. Hetzel told the House State Government Committee during the bill's third hearing. But as written, the bill (HB 423) violates several principals of Ohio's public records law, he contended.

"Although our position may be an unpopular one, we must point out several ways in which we believe the measure runs afoul of the clear intent of Ohio's open records laws and Ohio Supreme Court rulings," he said.

The bill, which was scheduled for a possible vote, would ensure orders for active military service or other documentation regarding a call to order are not public records.

Following the hearing, sponsor Rep. Rick Perales (R-Beavercreek), a veteran, said he's optimistic the parties can reach an agreement. He said he planned to meet with Rep. Michael Curtin (D-Marble Cliff), a former news reporter, on ONA's behalf.

"I've seen it close up in a different world than these guys, but clearly we'll come to some kind of conclusion on a good time frame," Rep. Perales said in an interview. "You can't be too careful here so I want to make sure we protect that military service member.

"It's about where's that right spot? So we'll be working on that and I have no doubt we'll come to something by next week," he said.

During his testimony, Mr. Hetzel called the bill "unquestionably well-intentioned." But he said public records are to be presumed disclosable to the public unless there is evidence to support the contrary and that any exemptions to public records law are to be crafted as narrowly as possible, according to the current law. The bill abandons those principles, he said.

"The language of the bill violates this with the catch-all phrase 'other documentation,'" Mr. Hetzel said. "In other words, a government official could make any record completely secret by having 'other documentation' of the military member's call to order somewhere in the document."

The ONA is requesting that language be removed from the bill or at least be replaced to allow the redaction of only the related documentation rather than the withholding of the entire document, Mr. Hetzel said.

He said Ohio Supreme Court rulings have long upheld that a record should be made public if it can be done so by redacting the non-disclosable information. Only if that approach is not possible, he said, should that entire document be exempt from disclosure.

"Our broader concern is that, once again, the legislature finds itself on the verge of creating more government secrecy and adding another item to the ever-growing list of exceptions to what was once a national model open records law," Mr. Hetzel said.

Chairman Rep. Ron Maag (R-Lebanon) said Mr. Hetzel raised a "couple of interesting points," but that he believes there is a "valid threat to our military" that must be addressed.

"I would ask that you contact the sponsor and sit down and see if you cannot work out the details," Rep. Maag said. "But I would also think that what the newspapers want, although it might be limited here, that in the

Department of Defense these records would still be available. So I don't think we're really putting a great burden on the press if they have a reason to look them up."

'Extremely Contentious' Bill To Eliminate Temp Agency Sales Taxes Clears House Committee

It took eight hearings, but supporters finally pushed through committee a bill to exempt temporary staffing businesses from the sales tax.

The measure (HB 343), sponsored jointly by Rep. Ron Young (R-Leroy) and Rep. Mark Romanchuk (R-Mansfield), is backed by the businesses and mostly Republicans who argue that the current system amounts to double taxation for the enterprises and individuals involved in the temp industry. Supporters also note the tax is unique to Ohio, where it came into being during the tight state budget years of the early 1990s.

During the lengthy deliberations in the House Economic & Workforce Development Committee, the proposed exemption, which would result in an estimated \$130 million annually in foregone state tax revenue, drew opposition from local governments concerned about the financial hit.

Many Democrats are also leery of bolstering part-time employee agencies versus encouraging businesses to provide more stable, full-time employment opportunities - an option they view as more helpful to the long-term economic future of working families as well as the state.

Rep. Young acknowledged prior to the committee vote that the bill "has been extremely contentious," but after putting off an earlier planned vote, he said the two sides had reached an "impasse" over the proposal.

The Republican bemoaned such "legacy issues" in state law that he said cry out for change while holding back the state's progress. "Most of us believe this is one of those issues," he said.

Rep. Young, who previously owned a temp staffing agency, said the bill would correct a circumstance under which "simply unheard of" taxes are levied on the wages of employees. "In the most egregious ways in the nation, Ohio has punished job creators" with the tax, he said.

Rep. Kent Smith (D-Euclid), a frequent critic of the bill during its House hearings, reiterated a common Democratic complaint with the measure.

"I don't think this is the kind of economic priority that's a healthy one for the state," he said.

The Democrat, citing research published in a WE Upjohn Research firm newsletter, said the study showed temporary employment firms encourage low-paying, stop-gap employment while discouraging the creation of higher-paying jobs.

Rep. Smith also pointed out that the estimated \$131 million annual hit to Ohio coffers alone equates to the budget of several state agencies combined.

The Legislative Service Commission's fiscal note on the bill also estimates an additional revenue loss of about \$37.6 million to local governments. That impact prompted the County Commissioners Association of Ohio to remind lawmakers in testimony of the increasing reliance of government operations on the sales tax as the state has shifted toward a more consumption-based tax system under the Kasich Administration's push for extensive personal income tax cuts.

Rep. Denise Driehaus (D-Cincinnati) cited the revenue hit in explaining her opposition. She called the bill a "financial insult to local governments because the impact is so large" and said it "doesn't move the needle much" in terms of helping the economy and creating good jobs.

Rep. Romanchuk said the focus of the bill was on the employees whose wages are subject to the tax, not corporations or the staffing businesses. The exemption will help more people get into and stay in the workforce in the long term, he said.

The bill was reported from committee on a 9-4 vote, with Rep. John Barnes (D-Cleveland) joining most Republicans in supporting the bill and Rep. Steven Arndt (R-Port Clinton) siding with most Democrats in opposition.

Rep. Barnes said that while no one wants to overburden local governments, the state also shouldn't foster "Boss Hogg taxation tactics" that add costs for staffing and small businesses.

Chairwoman Rep. Nan Baker (R-Westlake) said the tax had a dubious beginning in that it was enacted in 1993 along with other tax hikes in response to a state budget crunch. As such, she said it incurred "no policy debate" at the time.

"It was added because money was needed at the time and it was an easy take," she said. "The intent of the bill is absolutely I think what is needed."

The advancement of the bill is the latest push by the GOP legislative majority to provide exemptions and tax credits, which in some instances are causing consternation for the Kasich Administration.

Officials have grumbled about the fact that while some administrative proposals are being shunted into the 2020 Tax Study Committee, the legislature is continuing with a piecemeal approach on its own priorities.

Asked about that dynamic, Speaker Cliff Rosenberger (R-Clarksville) said in an interview that the issue could still end up before the study committee he pushed to include in the biennial budget measure (HB 64).

"Just because the bill is maybe moving doesn't mean we don't want to look at it in the overall picture," he said. "But we also have something that's been well vetted and taken a look at and I think that was part of the process they went through to move it forward."

"There's a lot of these exemption bills out there. There's a lot of tax credit bills out there too," he said. "We want to make sure we're looking at it all holistically to make sure it's going to be the right thing for the state, so I don't necessarily read too much into something just because it moved down below the black line."

The speaker said the fact that the bill received so many hearings in a standing committee would be a plus if it ended up as a 2020 study issue.

Medical Marijuana Supporters Lean Toward Constitutional Amendment Language

Medical marijuana advocates on Wednesday said they'd like to see the legislature's proposal look more like a constitutional amendment that's targeted for the November ballot.

Mary Jane Borden, president of the Ohio Rights Group, which has worked on four ballot initiatives, provided the House Select Committee on Medical Marijuana a thorough comparison of the bill that's being considered (HB 523) and the more detailed Ohioans for Medical Marijuana plan.

While broadness in legislation or in the constitution is often considered positive because it allows for flexibility, she said the legislative proposal isn't narrow enough and leaves too many decisions up to a Medical Marijuana Control Commission.

"The (constitutional) proposal goes into much more detail, which gives comfort to anxious patients," she said. "Please note that, having co-written four proposed constitutional amendments, I am sensitive to placing too many fine points into a constitutional framework. But, desperate times call for desperate measures. As seen in the task force testimony, patients are suffering now, today."

"HB523 leaves much up to its commission. This delegation of authority and its blank slate has many questioning the commitment of the legislature to a comprehensive program," Ms. Borden continued.

She specifically raised concerns with the commission being in charge of setting a condition list and which forms of cannabis are permissible.

In Minnesota, just 1,275 patients have been registered for prescriptions since 2014 because of a short condition list, she said. Under the constitutional amendment, individuals with more than 25 conditions would be eligible for marijuana prescriptions.

Individuals hopeful that medical marijuana will be legalized to treat their conditions or those of their family members spoke out in support of the Ohioans for Medical Marijuana proposal in a press conference ahead of the committee meeting.

They said they're not supportive of the bill in its current form, which would delay the start of a marijuana industry by at least two years and doesn't include protections for caregivers.

"I was excited at first by the legislation, but once I read it, I was disappointed and heartbroken," Dana Kovach, mother of a teenager suffering from soft tissue cancer, said during the OMM press event.

While the constitutional amendment would only be fully functional about six months earlier than the legislative version, Ms. Borden said the latter's language makes it possible for the state to drag its feet in convening a commission.

Under the bill, commission appointments are set to be made July 1 and the initial meeting can't be held until all members are selected, she said, suggesting that language be changed to require the appointments be made no later than that date.

The committee also heard from nearly all the witnesses who spoke on Tuesday that allowing patients to grow medical marijuana is necessary.

Home grow will save patients time and money and will also save the state's Medicaid system, Ohio Families CANN founder Theresa Daniello said. Her organization works with catastrophically ill children whose medicines and hospital visits can cost the state millions over the course of a few years.

She proposed creating a program that would provide assistance to those who'd like to grow their own medicine and those who do the training could also serve as watchdogs to quell any concerns about Ohioans potentially growing more than is permitted or diverting it.

Amanda Candow, who smokes marijuana daily for curb her multiple sclerosis symptoms, told the panel that there are nuances involved in growing plants that not only make it difficult for them to be useful if stolen, but also serve as a type of therapy for those who are homebound because of their conditions.

Because determining how many grams of usable marijuana come from one plant can be difficult, GreenFight Founder Michael Brice Keller suggested allowing patients with prescriptions to grow up to six plants - the amount that would be permissible under the OMM proposal.

"Great people, a thriving consumer market, enthusiastic entrepreneurs and so many others are waiting for your robust action to bring edibles, whole plant, tinctures, pills and oils through your program in two years or less," he said. "We commend these strides, but humbly remind you that so many have not the time or means to benefit in this way. Home grow access is vital."

The committee also heard testimony from Tim Johnson, a senior safety consultant Safety and security specialist for Ohio Cannabis Safety First, and Gary Moore, a representative of Dayton-based software firm Pelican Technologies.

Mr. Moore detailed RFID technology that uses handheld readers as well as a secure internet database and corresponding website to allow organizations to track assets. Such technology is used by Colorado for its marijuana operations.

Chairman Rep. Kirk Schuring (R-Canton) said he's collaborating with the Senate and the governor's office to consider recommendations made by stakeholders and build a substitute measure that could be introduced next week.

Elections Officials Back Bill Limiting Orders Extending Polling Hours

Elections officials on Wednesday testified in favor of legislation that would limit the ability of courts to extend polling hours.

The legislation (SB 296) would require notification to the attorney general and secretary of state's office before a judge could order the polls to remain open. The two offices would have an opportunity to be heard before such an order could be issued.

No order could be issued without sworn testimony, sworn affidavits, or other evidence admissible under the Ohio Rules of Evidence. Plaintiffs would also have to demonstrate that there is no reasonable prospect of having a fair election unless the polls remain open. Orders would also be immediately appealable and would require the plaintiff to post a cash bond equal to the extra cost to the board of elections of keeping the polling precincts open.

In written testimony, Secretary of State Jon Husted expressed his support for the measure. He said the bill will "provide a uniform set of rules for state courts and elections officials to following regarding the extension of polling hours."

Tim Ward, director of the Madison County Board of Elections, testified that he believes the measure will make it less difficult to recruit poll workers and provide uniformity to the election process.

Sherry Poland, director of the Hamilton County Board of Elections, told the committee the measure "would keep order and fairness in the election process."

She said when polling hours were extended in Hamilton County during the two previous elections, it resulted in "chaos."

Ms. Poland said the order forcing elections to extend beyond normal polling hours in November resulted in the board having to contact more than 2,500 poll workers within 40 minutes to inform them of the change.

"Although the board had prepared for such an event by implementing the robo-call system in advance and providing instructions to the poll workers in their polling supplies, it is nearly impossible to ensure uniform contact with all of the parties that need to receive notice," she said. "Even with pre-planned contact processes in place, it takes approximately 30 minutes to send a board of election's robo-call to each poll worker, leaving mere minutes for the poll workers to adjust to the changes."

In the March primary election when polls were ordered to stay open in four counties due to a traffic accident, Ms. Poland said many polling locations had already closed their poll books by the time they received word of the judge's order.

The total cost to the county for the extended hours in both elections was \$57,000, she said.

"Even more damaging than cost, though, is the toll that these repeated extensions take on our dedicated poll workers," she told the committee. "We have lost many of our long-time poll workers, who will no longer commit to working a 15-hour day, only to be informed in the 15th hour that they need to work longer."

Sponsoring Sen. Bill Seitz (R-Cincinnati) asked about the pay poll workers receive and why it is unfair to make them stay beyond normal hours.

Ms. Poland said Hamilton County poll workers are paid \$181.50 for work on Election Day that is typically 15 hour or so, along with four hours of training and set up work the night prior to the polls opening.

Sen. Cecil Thomas (D-Cincinnati) asked Ms. Poland to expand on the reasoning behind keeping the polls open in November.

She said Hamilton County was one of the first large counties to utilize e-poll books and there was a problem with a router at one of the polling locations.

"That defect then caused some problems in the polling place with the poll workers being able to print labels," she said.

Sen. Thomas then asked if poll workers were instructed to not use backup polling books and whether the poll workers were properly trained on the new equipment.

Ms. Poland said attached to the e-poll books were instructions to contact the board prior to using the backup polling books. She also said each poll worker received several hours of training.

"It was new technology and we knew there would be a learning curve," she said.

Sen. Thomas then asked if anyone was deprived of the right to vote due to the problem. He said long lines resulted and some left before voting because they had to get to work.

Along those same lines, Sen. Seitz later asked if it were true that the glitch was fixed by the afternoon and anyone that got back in line by 7:30 p.m. had the right to vote.

Ms. Poland acknowledged that was indeed the case.

In response to another question from Sen. Thomas about the number of times she has had to deal with an emergency order forcing the polls to remain open beyond 7:30 p.m., Ms. Poland said it has happened just twice in her 12 years with the Hamilton County Board of Elections.

Limited Immunity, New Responsibilities For 911 Dispatchers In Good Samaritan Bill Draws Opposition

Some law enforcement groups are not in favor of a provision in a bill that would require 911 dispatchers to inform callers about their immunity from prosecution for minor drug offenses if they are seeking emergency assistance for a drug overdose.

The Fraternal Order of Police of Ohio and the Ohio Association of Chiefs of Police both spoke out Wednesday against the provision in a bill (HB 110) that was originally designed to increase penalties for drivers who fail to stop after an accident that results in death or serious physical harm to another person.

Michael Weinman, director of government affairs for FOP of Ohio, told members of the Senate Criminal Justice Committee in written testimony that it will be impossible for the dispatcher to determine what amount of drugs the caller has at the location.

"While this may be addressed in the mandatory, unfunded training the dispatcher is to receive, it opens the dispatcher to potential liability and creates a scenario where officers may be hindered in their investigation should large amounts of illegal drugs be found," he said.

He also noted the immunity only applies to the first two calls, and the dispatcher is unlikely to know if the caller has already exceeded the limit.

John Gilchrist, legislative counsel for the Ohio Association of Chiefs of Police, raised many of the same issues. He also told the committee that the requirement of dispatchers to inform a caller about the immunity could delay life-saving procedures like CPR.

Sen. Bill Seitz (R-Cincinnati) said he is still working on other amendments to the legislation.

The Ohio Public Defender's Office last week testified in opposition to the bill. This week in interested party testimony, the organization asked that the limit on immunity be scrubbed from the language.

"This amendment places a higher public priority on prosecuting low level possession charges over the lives of those addicts who we have the resources to save and someday help," Kari Bloom, legislative liaison for the Ohio Public Defender's Office, told the committee.

Cassandra Young of Students for Sensible Drug Policy also spoke out about the "three strikes" provision and another portion of the bill that would require emergency medical providers to provide law enforcement officials with information about those that are revived with Narcan.

"While these requirements may sound advantageous in theory, in practice they will be a disaster and lead to further criminalization, as disadvantaged populations do not always have stable housing and cell phone minutes for contact; also, victims usually have no connection or knowledge of 'high-level dealers,' they are in contact mostly with 'low-level dealers,' many who may sell drugs to finance their addiction or to be able to feed their children," she said.

However, not all law enforcement or drug policy advocates are opposed to the measure.

Hamilton County Sheriff Jim Neil told the committee in written testimony that the bill will help to save lives by getting people in treatment. Lusanne Green, executive director of the Ohio Community Corrections Association, told the committee the "measure appears to be a good balance of compassion and public safety protections that seeks to address substance use disorders in Ohio's citizenry."

Tony Grotrian, a resident of Hancock County whose son died of a drug overdose, said in response to a question from Sen. Mike Skindell (D-Lakewood) that he does not see a problem with providing to law enforcement details about overdose victims that have been revived. He said it could be a path to treatment for addicts.

"I don't see it as a hindrance," he said.

Nonetheless, following the meeting, Sen. Skindell said he plans to introduce an amendment that would forbid first responders from providing information to law enforcement about overdose victims who are revived and would instead use the information to try and direct that person to recovery services.

Suggestions For HIV/AIDS Treatment Include Raising Income Eligibility Limit, Making Better Use Of Federal Funding

Lawmakers on Wednesday heard testimony about ways the state could better serve patients with HIV and AIDS through changes to the Department of Health's Ryan White Part B program.

The raising of the income eligibility limit for the program and the rearranging of funds to avoid having to send unused money back to the federal government were among the proposals brought before a subcommittee of the Joint Medicaid Oversight Committee.

The panel is examining different ODH programs after a report by JMOC last year explored how they have been affected by changes under the Affordable Care Act. (See Gongwer Ohio Report, December 23, 2015)

Patrick Beatty, the director of the Ohio AIDS Coalition, described proposals to fight the transmission of HIV in Ohio. About 1,000 new cases are diagnosed each year, he said, and the state can work to prevent the spread of the virus.

Since the passage of the ACA and Ohio's expansion of Medicaid, more people with HIV are able to obtain health insurance and get treatment, Mr. Beatty said. New drugs have also made it possible for patients to obtain viral suppression, greatly reducing the risk they will spread the virus.

Those drugs are costly, he said, and many people on high-deductible health plans find it difficult to pay for them during the first three months of the year, when they are paying the deductible.

Not being able to afford the drugs for a few months, when costs can run into the thousands of dollars per month, put a strain on the patient's ability to stay on treatment, Mr. Beatty said. If they don't receive treatment, they won't maintain viral suppression, and they could spread the virus to others.

"Really, the question is do we want to be paying for all of the new infections because Joe or Susie or John Q. Public couldn't afford his meds in months one, two and three and became contagious and passed his disease along?" he asked.

Currently, the Ryan White Part B program can help HIV patients with incomes below 300% of the federal poverty level pay for their medications. Mr. Beatty suggested raising that level to 500%.

Subcommittee Chair Rep. Barbara Sears (R-Maumee) said she would be hesitant to do so in part because no other program to treat a specific condition has a level that high.

Mr. Beatty said HIV is different from other serious and chronic conditions because of how easily it is spread.

"It's the dynamic of the disease and its transmission that makes this a unique opportunity that does not parallel with other diseases," he said.

Another option would be a requirement that insurance plans prorate the payments for HIV drugs so that they spread out the cost over the entire year instead of forcing patients to pay down all of the deductible at once.

The subcommittee also heard testimony about how ODH could better leverage the money it receives for the Ryan White Part B program, much of which is designated for specific uses, such as prescription medications.

The program returned about \$8.5 million to the federal government last year, said Shancie Jenkins, chief of the Office of Health Improvement and Wellness at ODH. Most of that was specifically for pharmaceuticals. The program also receives state money from the general revenue fund and pharmaceutical rebates, among other sources.

Those rebates can be used for a wider variety of services than the federal money, said Tara Britton, a policy fellow with the Center for Community Solutions. The federal dollars have to be spent first, complicating the budgeting for the programs.

However, she said the Ryan White Part B program in Iowa was able to obligate funding from the rebates to different sources, allowing them to focus the rebate funding on parts of the program that couldn't be covered by federal dollars.

Rep. Sears said doing something like that could be a better way to use the program's money.

"There appears to be a lot of flexibility in some dollars that we're just not taking advantage of right now," she said.

Ms. Britton said the federal Health Resources and Services Administration has been supportive of repurposing the funding.

The subcommittee also discussed ways to better coordinate services between the Ryan White program and health insurance plans. Both often have case managers who aren't able to communicate.

ODH is also working with a number of different stakeholders in putting together a five-year plan required by HRSA and the Centers for Disease Control and Prevention, Ms. Jenkins said. The development of that plan, which is expected to be done in September, includes meetings with interested parties around the state.

"It's going to be our five-year strategic plan of how we implement services for people with HIV in the state of Ohio," she said. "Our intent is not to draft it and shelve it. Our intent is to have it be a framework for how we move forward."

Receivership Study Committee Begins Work; Chairman Foresees Quick Turnaround For Report

A study committee created in part to look into receivership disputes involving utilities seeking money owed for electric bills started work Wednesday with a presentation from the Ohio Judicial Conference.

Chairman Sen. Bill Coley (R-Liberty Twp.) explained that the committee was charged with a review under receivership legislation enacted last session (HB9, 130th General Assembly). Along with a general update to the bankruptcy-related laws, that bill created the committee and mandated a report by the end of the 131st General Assembly, he said.

Franklin County Common Pleas Court Judge Richard Frye, representing the Ohio Judicial Conference, briefed the panel on the revised law, which stemmed in part from updates sought in the wake of the recession-fueled surge in bankruptcies and foreclosures.

While the federal bankruptcy laws are complex and can be costly for the parties and take a long time to navigate, he said, "Ohio receivership law offers another route to manage business failures." The update last session was sought because Ohio's laws had not been updated since 1953, he said.

Judge Frye said HB9 has "promoted consistency and uniformity of the receivership process throughout the state." (Testimony)

OJC advocated for a provision dealing with utility claims for back payments of electric bills, but it did not get into the measure, Judge Frye explained. In some cases, the utilities were demanding payments of the debt before they resumed electric service to businesses in receivership, thereby complicating the process.

While the Ohio Supreme Court found in a 2011 case that the Public Utilities Commission of Ohio had jurisdiction over such matters, the regulatory panel "declined to compel electric service be made available to a court-appointed receiver," Judge Frye said.

"A utility's ability to unilaterally demand payment undermines the public policy purpose of receivership through the equity powers of the common pleas courts that may otherwise preserve property and Ohio jobs," he added.

Still, he said HB9 was "largely a success," and in fact there have not been any incidents involving utility claims for back payments from receivers since the bill was enacted.

"Perhaps the debate surrounding this provision during the consideration of HB9 was sufficient to abate the practice," Judge Frye said. "That said, it is still something that the current statute does not prevent from happening and it could happen again in the future."

Judge Frye also noted that a Uniform Commercial Real Estate Receivership Act has been developed and could provide guidance for further updates to Ohio's laws. But he said HB9 is better than the model act, which was developed by "academics" versus people with practical experience in the process. Ohio's law is easier to use and not as cumbersome as the uniform act, he said.

Chairman Coley said he planned to have investor-owned utilities testify at the committee's next hearing and hold a third meeting for all interested parties before beginning the process of generating a report.

New Report Highlights Extent Of Poverty In Ohio

Poverty continues to permeate every part of the state of Ohio, according to a State of Poverty Report released Wednesday by the Ohio Association of Community Action Agencies.

And despite public perception linking urban areas to poverty, the report's authors say two-thirds of impoverished Ohioans live in suburbs or rural areas.

"It's across the state, it's across age ranges," Community Research Partners Executive Director Lynnette Cook said during a Statehouse press conference to unveil the report.

The study - based on data from the U.S. Census Bureau, the Ohio Department of Commerce and other sources - found that 584,108 people (33.1%) were impoverished in urban areas in 2013, down from 38.1% in 2000.

The share of poverty concentrated in suburban areas increased, moving from 40% in 2000 to 45.4% (801,977 people) in 2013, while those in rural areas dropped slightly from 22% in 2000 to 21.5% (379,143 people) in 2013.

At the same time, poverty growth continues to outpace population growth in many areas, the report indicates. Columbus suburbs, for example, experienced the fastest poverty growth between 2000-2013, jumping 113.6%. During that period, that area saw a population growth of 22.8%, according to the report.

Ms. Cook and OACAA Executive Director Philip Cole said a lack of transportation options, quality jobs and wage growth have all contributed to the 1.8 million Ohioans (15.9%) living in poverty, including nearly half of Ohio's children under the age of six.

Of those 1.8 million, 841,667 Ohioans are considered in extreme poverty with a household income less than half that of the Federal Poverty Level, according to the report.

African Americans faced the highest poverty rates at 33.6%, with Hispanics and Latinos composing 27.4% of the impoverished. Non-Hispanic whites, who in sheer numbers outweigh every other subgroup, saw the lowest rates at 12.7%.

One alarming trend, Mr. Cole said, is the increase in grandparents who are acting as primary caregivers to their grandchildren. In all, 98,977 grandparents fell in that category - 21,067 (21.3%) of which were impoverished.

"Our middle income grandparents are suddenly sliding down the economic ladder as they have more mouths to feed," Mr. Cole said.

Among other highlights of the report:

- 653,410 children (24.2%) lack access to adequate food with 44.3% of total children eligible for the free and reduced price lunch program. In all, 7.5% of those Ohio children are ineligible for assistance, such as the Supplemental Nutrition Assistance Program.
- An average of 5.4% of Ohio children born in the early 1980s in the bottom fifth of the income spectrum reached the top by adulthood, while 38.1% remained in the bottom fifth.
- 141,287 seniors (8.4%) are in poverty, 69,106 of which have some form of disability.

In unveiling the study - which also has measures of homelessness, unemployment and other related concepts - Mr. Cole thanked state leaders for expanding both Medicaid and the earned income tax credit. But he tempered his praise by urging lawmakers to refocus on equipping low-income Ohioans for success.

He urged lawmakers to back down from the "Healthy Ohio" waiver, which would require about 1.5 million Ohioans on Medicaid to pay into modified health savings accounts. Under the proposal, the premiums would be the lesser of \$99 a year or 2% of one's household income. (See Gongwer Ohio Report, April 22, 2016)

U.S. Sen. Sherrod Brown (D-Avon) joined Statehouse Democrats earlier this week to decry the plan, a view Mr. Cole said he shares. (See Gongwer Ohio Report, April 25, 2016)

"Creating a system where some people choose between buying a dozen eggs and feeding their family and buying a Medicaid premium is just wrong and extremely short sighted," Mr. Cole said. "The truth is the state won't save money."

He said lawmakers and state leaders should also more closely examine transportation barriers and develop a more comprehensive, permanently-funded approach to combat opioid addiction.

"People don't choose to be poor or unhealthy or have a drug problem or to have health problems requiring care or bankruptcy," he said. "These things happen because of individual circumstances, by accident of birth, by bad choices, or the failures of our social system."

Mental Health Advocates Urge Support For Truancy Bill, Expansion Of Mental Health Screenings

Advocates on Wednesday urged lawmakers to support a pending truancy bill and to brainstorm more solutions to support youth grappling with mental illness.

At a Statehouse press conference organized by YouthMOVE Ohio, several young men and women shared their personal stories and pressed lawmakers to discuss mental illness openly and find solutions to prevent suicides.

John Ball of YouthMOVE said the stress put on young people - especially at high-demand schools - is only growing. Lawmakers must act now in order to prevent a large-scale tragedy such as suicide clusters, he said.

"If we do not implement preventative legislation and preventive measure now to curb youth suicide that is exactly the direction Ohio schools - and especially Ohio's high performing schools - are going," he said, urging mental health screenings at the high school level.

"So we can either have the conversation now about mental health, before a statewide nightmare occurs, or we can have it then."

Mr. Ball and other members of the group are currently working with lawmakers on a yet-to-be-unveiled measure that would expand provisions in a 2015 bill ([HB 28](#)). That bill, from [Rep. Marlene Anielski](#) (R-Walton Hills), requires higher education institutions to implement suicide prevention programs by September. (See [Gongwer Ohio Report, June 30, 2015](#))

The potential bill under discussion would expand those programs to high school, said YouthMOVE Director Angela Lariviere.

"When you start to look at the rates of youth involved in the child welfare and juvenile justice system, there is no question we have a problem that must be addressed," Ms. Lariviere said.

Representatives of the National Alliance on Mental Illness and the Juvenile Justice Coalition also appeared at the press conference, urging legislators to support [HB 410](#).

That bill, from [Rep. Bill Hayes](#) (R-Harrison Township) and [Rep. Jeffery Rezabek](#) (R-Clayton), would require the use of school interventions in the event of truancy instead of allowing schools to refer a student immediately to juvenile court.

The bill was reported out of the House Education Committee earlier this month. (See [Gongwer Ohio Report, April 20, 2016](#))

"A lot of times youth have to get in trouble before they can get access to the treatment that they need and that shouldn't be what happens," JJC Executive Director Erin Davies said.

She said HB 410 would shift the focus to early identification. It would also modify school discipline policies by shifting away from zero tolerance approaches to disruptive and disobedient behavior.

"The focus would shift instead to keeping those students in school, engaged, and on track, and making sure we're taking the time with each student to make sure they continue their engagement and get the help they need," Ms. Davies said.

Ohio Business: Goodyear, Timken, First Energy, Others Report Financial Results

Goodyear reported a decrease in first quarter sales to \$3.7 billion from \$4 billion last year - a total largely impacted by unfavorable currency translation.

The tire and rubber company also pointed to the deconsolidation of a subsidiary and Venezuela as a driver of the decline.

The company also posted net income of \$184 million and a record segment operating income of \$419 million.

"We are very pleased with our strong first quarter performance," Chairman, CEO and President Richard J. Kramer said. "Demand for our premium-branded, high-value-added products is robust and our product mix continues to grow richer, driving margin expansion," he added. The company's first quarter segment operating margin of 11.4% was up from 9.6% a year ago."

Timken: The company saw a 5% drop in sales during the first quarter compared to the same period last year.

Sales were \$684 million for the quarter, Timken reported. Of the decrease, 2.5% is attributed to unfavorable currency exchange rates.

The company also posted adjusted net income of \$36.9 million, compared to \$44.2 million in 2015.

"During the quarter, we executed well and delivered first-quarter results in line with our expectations even though market conditions globally remain weak, particularly in commodity-related sectors," President and CEO Richard G. Kyle said. "Looking ahead, we expect continued challenging market conditions in 2016. However, we are reaffirming our full-year earnings outlook, confident in our ability to win new business and deliver on our cost-reduction initiatives."

FirstEnergy: The company reported non-GAAP operating earnings of 80 cents per share, compared to 62 cents per share during the same quarter of 2015.

"The increase in first quarter 2016 operating (non-GAAP) earnings primarily reflect higher commodity margin at the competitive business, the net impact of rate cases resolved in 2015, and increased transmission earnings," according to a FirstEnergy release. These factors were partially offset by the impact of mild temperatures on distribution deliveries and higher net financing costs.

PolyOne: The Cleveland corporation has achieved its 26th consecutive quarter of adjusted earnings per share growth, reporting an increase of 22% to 56 cents in the first quarter.

Meanwhile, GAAP earnings per share were 46 cents in the first quarter - an increase from 34 cents in the first quarter of 2015, PolyOne reported.

"Last year, we increased our sales force by nearly 10% and further invested in technology to better serve our customers," President and CEO Robert M. Patterson said. "These investments, and our unwavering commitment to specialization, have made it possible to win new business and expand margins on a consolidated basis."

CBIZ: The Cleveland company reported a 4.8% increase in first quarter revenue for 2016, which came in at \$224.2 million.

"Newly acquired operations, net of divestitures, contributed \$2.3 million to revenue in the 2016 first quarter," CBIZ said.

Income from continuing operations was also up 11.8% to \$21.8 million from the previous year, the company reported.

Peoples Bancorp: The Marietta bank reported record net income in the first quarter, totaling \$8 million, or 44 cents per diluted common share. In comparison, the company saw a 4-cent-per-share loss in the same period of 2014.

"We were able to generate positive operating leverage during the quarter compared to the first quarter of 2015, and expect to continue to do so as we proceed throughout 2016," President and CEO Chuck Sulerzyski said.

Cincinnati Financial: The company reported first-quarter net income of \$188 million, or \$1.13 per share. That total represents an increase over last year's first quarter, when the company took in \$128 million, or 77 cents per share.

Operating income was also on the rise during the quarter, Cincinnati Financial reported. Up 53% from the comparable period, operating income was \$148 million.

FirstMerit: First-quarter net income came in at \$54.1 million, or 31 cents per diluted share, a slight increase compared to \$57.1 million, or 33 cents per share in the previous year's first-quarter, the Akron bank reported.

Governor's Appointments

Ohio Commission on Service and Volunteerism: Judith E. Turner of Dayton for a term beginning April 27, 2016 and ending April 21, 2019.

Supplemental Agency Calendar

Thursday, April 28


Criminal Justice Recodification Committee, Senate Finance Hearing Rm., Columbus, 1 p.m.

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GONGWER Ohio

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Senate Activity for Wednesday, April 27, 2016

PASSED

HB AUTISM SCHOLARSHIPS (Blessing, L., Rezabek, J.) To permit the temporary, legal, or permanent
299 custodian of a qualified child to apply for an Autism Scholarship and to revise the law regarding the testing
 and graduation requirements for students attending a chartered nonpublic school.

32-0

Gongwer Coverage

SB MILITARY FIREARMS (Uecker, J., Gardner, R.) To specify that an active duty member of the U.S.
199 Armed Forces: (1) does not need a concealed handgun license to carry a handgun concealed if the member is
 carrying valid military identification and a certificate indicating successful small arms qualification; and (2)
 may be sold or furnished a handgun if the member has received military or equivalent small arms training.

32-0

Gongwer Coverage

SB DEFERRED COMPENSATION (Hottinger, J.) To authorize the Ohio Public Employees Deferred
220 Compensation Board and local governments to establish designated Roth account features and other tax-
 deferred or nontax-deferred features permitted for government deferred compensation plans.

32-0

Gongwer Coverage

SB AWARENESS DAY (Bacon, K.) To designate the first day of June as "Hypoparathyroidism Awareness
225 Day."

32-0

Gongwer Coverage

SB CARDIAC ARREST (Hite, C., Patton, T.) With regard to sudden cardiac arrest in youth athletic activities.
252

32-0

Gongwer Coverage

SB TRANSPORTATION FUNDING (Manning, G.) To make supplemental appropriations related to
315 transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an
 emergency.

Bill: 32-0; Emergency: 32-0; Earlier REPORTED

Gongwer Coverage

REFERRED

Agriculture:

HB LIQUOR LAWS (Perales, R., DeVitis, T.) To increase the amount of spirituous liquor that an A-3a liquor permit holder may annually manufacture and to allow an A-3a permit holder to obtain an A-1-A liquor permit.

SCRAGRICULTURAL TECHNOLOGY (Peterson, B.) To support the use of science-based data to assess the impacts and regulation of modern agricultural technologies, and to oppose federal, state, or local legislative or regulatory actions that are not based on sound science and that may result in unnecessary restrictions on the use of modern agricultural technologies.

Civil Justice:

SB DISCRIMINATION (Skindell, M., Tavares, C.) To prohibit discrimination on the basis of sexual orientation or gender identity or expression, to add mediation to the list of informal methods by which the Ohio Civil Rights Commission must attempt to induce compliance with Ohio's Civil Rights Law before instituting a formal hearing, and to eliminate certain religious exemptions from the Ohio Civil Rights Law.

Criminal Justice:

SB SEXUAL IMPOSITION (Hughes, J.) To increase the penalty for sexual imposition when the offender previously has been convicted of or pleaded guilty to three or more violations of sexual imposition or other specified sex offenses.

Energy & Natural Resources:

SB RENEWABLE ENERGY (Seitz, B.) To revise the requirements for renewable energy, energy efficiency, and peak demand reduction, to permit property owners to petition municipal corporations and townships for the purpose of developing and implementing special energy improvement projects, to govern condominium association participation in special improvement districts, to require deployment and permit cost recovery of advanced energy analytics technology by electric distribution utilities, and to revise the law governing net metering service provided by electric utilities and electric services companies.

Finance:

HB 911 LEVIES (Brenner, A.) To authorize a county, township, or municipal corporation to impose a 9-1-1 system levy in only the portion of the subdivision that would be served by the 9-1-1 system.

SB BANKING LAWS (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of **317** Ohio.

Government Oversight & Reform:

SCRSUPREME COURT (Skindell, M.) To urge the United States Senate to hold any and all necessary **19** hearings, to perform the Senate's constitutional duty, and, after appropriate consideration, to hold a vote to confirm or deny the nomination of the Honorable Merrick Garland to the Supreme Court of the United States.

Health & Human Services:

SB DRUG REGULATIONS (Eklund, J.) To revise certain laws regarding the regulation of drugs, the **319** practice of pharmacy, and the provision of addiction services.

State & Local Government:

HBVETERAN IDENTIFICATION (Anielski, M., Terhar, L.) To authorize county recorders to issue Ohio **173** veterans identification cards.

HBTOWNSHIP LAW (Brinkman, T.) To add to the purposes for which a board of township trustees may go **413** into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds.

Transportation, Commerce & Labor:

SR RAIL CREWS (Skindell, M.) To support the Federal Railroad Administration's proposed rule requiring **443** trains operated in the United States to have at least a two-person crew.

DELIVERED TO THE GOVERNOR

SB 133 **AWARENESS MONTH** (Beagle, B.) To designate June as "Scleroderma Awareness Month."

SB 182 **ROAD NAMING** (Balderson, T., Peterson, B.) To designate various bridges and highways.

COMMITTEE HEARINGS

Ways & Means

HBTAX LAWS (Green, D.) To extend the deadline for filing an application for the homestead exemption or 2

166 1/2% property tax rollback to the end of the tax year, to require that auditors certify Local Government Fund allocations to subdivisions by regular or electronic, rather than certified mail, to require that notices of appeal from a decision of the Board of Tax Appeals originating with a county board of revision be filed with that board and the county auditor, to clarify the effect of certain certifications related to the repealed personal property tax, and to repeal laws requiring county auditors to issue permits for traveling shows, issue licenses for new merchandise public auctions, certify the annual state tax interest rate to local courts.
(CONTINUED-AMENDED (No testimony); 3rd Hearing-All testimony-Possible amendments)

Sen. Eklund amended the measure with three changes dealing with land banks. The language provides access to the service station fund and "corrects ambiguities" in law related to foreclosure costs and a requirement that county auditors seek unpaid taxes on land bank acquisitions, he said.

Chairman Peterson amended the bill with provisions that: eliminate a requirement regarding estate taxes; change the recipient of notices for satisfaction of mortgages; alter the timing of agricultural land use reviews; and clarify the disposition of special election fund accounts.

HB DEVELOPMENT ZONES (Schuring, K.) To revise the law governing the creation and operation of joint **182** economic development districts (JEDDs) and enterprise zones. (CONTINUED; 1st Hearing-Sponsor)

Sponsor Rep. Schuring, who was also the sponsor of legislation creating the JEDD statute in 1995, explained the components of the bill, saying it does not make "major changes to this very successful law."

"The intent of the legislation is to merely improve the JEDD law based on input from numerous stakeholders," he said. The key provisions of the bill are:

- Easy Read - the legislation harmonizes various sections of the JEDD law to eliminate the patchwork of sections that must be put together to read the statewide JEDD statute. Under the bill the statewide JEDD law is located in one section of the ORC and easier to read.
- Redevelopment - the bill adds economic redevelopment as a purpose for the establishment of a JEDD.
- Mixed use - HB182 modifies the prohibition of residents being allowed in a JEDD by stipulating that residents are allowed if they live in a mix-use building combining residential with retail/office space. Mix use is defined in the bill.
- Carve-outs - the legislation allows the JEDD to carve out properties within the district that don't want to be a part of the JEDD even though they would put holes in the district.
- Annexation - the bill expands the restrictions on annexation to include the territory within the JEDD.
- Out of Town Owners - the bill stipulates that out of town business and/or property owners will be contacted by certified mail during the petitioning process. If they don't respond in 30 days, it will be assumed that they agree with the establishment of the JEDD.
- Opt out - this provision allows a business or property owner to "opt out" of a JEDD if it can be proven that the business or property owner has received little or no economic benefit from the JEDD, with the Development Services Agency determining if the opt out is warranted. The bill also allows the decision to be appealed to the Common Pleas if disputed.
- Enterprise Zone Waiver - the bill creates a waiver for enterprise zone tax abatements if the abatement doesn't qualify under current Ohio law. The waiver would be granted if the local school board approves the abatement.

The bill "will improve the statewide JEDD law and increase its effectiveness as a reliable economic development tool," Rep. Schuring said. The bill passed unanimously in the House Economic and Workforce Development Committee and had no opponent testimony.

The sponsor said in conclusion that he is still working with the Ohio Township Association and other interested parties on some potential changes that he would bring to the committee later.

Responding to Sen. Beagle regarding the redevelopment component, Rep. Schuring cited the example of "outer ring communities" in southwest Ohio that are falling on tough times. He said a JEDD in that area could be used to finance infrastructure upgrades and other improvements to make redevelopment efforts more economically feasible.

HB TAX EXEMPTION (Schaffer, T., Retherford, W.) To exempt the sale of natural gas by a municipal gas company from the sales and use tax. (CONTINUED; 1st Hearing-Sponsor)

Sponsoring Reps. Schaffer and Retherford presented the bill, which stems from a Department of Taxation effort to recoup sales taxes from natural gas sales made by municipal utilities to residents of Lancaster, Hamilton, and the villages of Deshler, McComb, Verona and Williamsport.

"The cities were informed that, according to the Tax Department's new interpretation of the Revised Code, the cities should have been collecting and remitting sales tax on gas provided to residents and commercial accounts," Mr. Schaffer said.

"Additionally, the agent also told the cities that the Tax Department has the authority to demand 10 years' worth of back sales tax, but that they would make us "a deal" and demand only three years' worth of back sales taxes. Lancaster officials estimated the damage for those three years to be \$3 million; Hamilton estimates their bill to be even higher at \$4.75 million."

Rep. Schaffer said the result would be a 6.75% hike in gas bills for all of the affected years. "Increasing gas bills while also collecting retroactive payments would be nothing short of devastating to families in our districts living paycheck to paycheck," he said.

Rep. Retherford said the situation stems from ODT's interpretation of a section of law that exempts "sales of natural gas by a natural gas company" but does not explicitly exempt municipal gas departments from sales tax as it does all other municipal services like water, sewer, trash pick-up, etc."

"The new interpretation is contrary to how these departments have been operating for decades, and in one case, over 100 years," he said. "This is an oversight in the Revised Code that must be resolved in order to protect Ohioans living in these six cities and villages from an unjust tax increase on a basic necessity."

Mr. Retherford said the bill contains an amendment dealing with the Youngstown Metropolitan Housing Authority.

"Properties owned by metropolitan housing authorities are tax exempt, but Youngstown had an error in some old paperwork and is currently paying significant penalties because of that error," he said. "The amendment will allow them to apply for a temporary tax abatement while they work out the administrative issues with the state."

The sponsors noted the bill passed the House unanimously and attracted no opponent testimony.

They told Chairman Peterson that the taxes have never been collected.

Responding to Sen. Hackett regarding the retroactive taxes owed, the sponsors said ODT has granted a "temporary stop" to the tax collection efforts pending the approval of the bill.

SB TAX CREDITS (Gentile, L.) To authorize a refundable income tax credit for employers that hire one or more qualified veterans or members of the National Guard or reserves. (CONTINUED; 1st Hearing-Sponsor)

"This legislation would give a refundable tax credit to businesses that hire qualified veterans and members of the National Guard or reserves. This is a bill about prioritizing our veterans and military service members, with the

added benefit of reducing the tax liability for small businesses who hire them," Sen. Gentile said in sponsor testimony.

The tax credit would be similar to the federal Work Opportunity Tax Credit., he said A business owner who hired a qualified veteran could claim the same amount on state returns as the federal tax credit.

The amount can vary from \$2,400-\$9,600, Sen. Gentile said. "Alternatively, if a business hires a member of the Ohio National Guard or reserves, the business could claim 40% of that employee's wages up to \$6,000, or \$2,400 total, on their state tax return." The term "qualified veteran" would have the same meaning as defined by the IRS for the Work Opportunity Tax Credit, the sponsor added.

"As Ohio businesses continue to evolve to meet the demands of consumers, military service men and women are highly trained and have essential skills for the workplace, including leadership, discipline, and attention to detail," Sen. Gentile said.

"Prioritizing their employment not only makes sense, but is critical in providing the support they deserve. In my experience travelling my district, I have heard from a number of business owners who have had great experiences hiring veterans, and from veterans who expressed their support of this kind of legislation."

SB TAX EXEMPTION (Burke, D., Gardner, R.) To exempt the first \$500 of prescription eyeglasses, contact **216** lenses, and other optical aids sold by licensed dispensers from sales and use tax. (CONTINUED; 3rd
 ■ Hearing-All testimony)

Several proponents testified or submitted written comments to the panel.

Joe Neville, executive director of the National Association of Optometrists and Opticians, said the bill is important "because eye care and the affordability of any resulting eye wear are important to the health and well-being of Ohio's citizens."

"Making eye wear more affordable, especially for low income consumers, helps eliminate barriers to their purchase of updated eye wear. Those extra dollars may make it easier to get that needed eye exam and then purchase eyeglasses or contact lenses to ensure better sight in the classroom or the workplace," he said.

"Corrective eye wear is a necessity for most people, not a luxury, and one that most jurisdictions do not tax. The \$500 price cap on the exemption helps limit the tax exemption to the "necessity" aspect of the eye wear purchase. The overall exemption makes Ohio more competitive in the eye care marketplace and demonstrates the same concern for meeting healthcare needs that exemptions in other parts of the tax code already provide for a long list of prescription goods."

Terri Gossard, a practicing optometrist in Cincinnati and am the immediate past president of the Ohio Optometric Association focused on the bill's impact on "access to care for our most vulnerable populations."

"I have seen first-hand how barriers to access impact health care delivery. I have served on the OneSight Vision Center at Oyler School's Executive Team since its inception, the nation's first self-sustaining school-based vision center. Access issues in this population abound," she said.

"When a child does not have necessary corrective eye wear, they truly cannot 'see to learn.' The Oyler children's educational experience, emotional well-being, and ultimately life trajectory are positively impacted by having the necessary glasses to simply see and read, both clearly and comfortably. This true for all of Ohio's children."

Ms. Gossard said it's also critical for Ohio's senior population to have access to vision care and corrective lenses. "In my private practice, I see patients whose opportunity to live independently hinges on their ability to maintain the required visual acuity for their driver's license renewal and navigation of public transit. Orientation and mobility is linked to vision as well. Uncorrected refractive error and ill-fitting glasses increase the likelihood of a fall in the elderly population," she said.

"The vast majority of us will require vision correction at some point in our lives. Economic barriers, such as the imposition of a sales tax on an essential medical device (the only prescription medical device available in a traditional retail format that remains subject to the tax) make it more difficult for vulnerable patients to obtain the care and medical products they need."

Chairman Peterson asked if the \$500 cap was typical of other states. The witness said it's actually unique as Ohio is one of only eight states that even taxes prescription eyeglasses.

A representative of Pearle Vision also testified in support and several other eye care professionals submitted written proponent testimony.

Brad Cole, managing director of research for the County Commissioners Association of Ohio, submitted written testimony reminding members of the state and local fiscal impacts of such tax exemptions.

"According to the Legislative Service Commission fiscal note, SB 216 would reduce state sales tax revenues by approximately \$18.0 million in SFY 2018 and county/transit authority sales tax revenues by roughly \$4.4 million in calendar year 2017 and increasing amounts in future years," Mr. Cole wrote. "In addition, this legislation would reduce distributions to the Local Government Fund and the Public Library Fund in SFY 2017 and by increasing amounts in future years."

SB PROPERTY TAXES (Beagle, B., Coley, B.) To exempt from property tax the increased value of property 235 on which industrial or commercial development is planned until construction of new commercial or industrial facilities at the property commences. (**REPORTED-AMENDED (No testimony)**; 6th Hearing-All testimony-Possible amendments & vote)

The bill was reported along party lines after Sen. Beagle won support for an amendment capping the freeze period in the measure at 10 years.

SB AGRICULTURAL LAND (Hite, C.) To require that the computation of the capitalization rate for the 246 purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. (**CONTINUED**; 4th Hearing-All testimony)

Several witnesses representing farm interests again testified in support of the legislation, while the County Auditors' Association of Ohio cautioned against moving too quickly with CAUV law changes until administrative adjustments and market forces play out.

Ted Finnarn, an attorney representing the Ohio Farmers Union, briefed the panel on the creation of CAUV and argued that the recently low interest rates coupled with high crop process have thrown the formula out of whack.

"This bill helps to clarify and further define what is known as the capitalization interest rate used within the formula," he said.

"We all know that most recently the CAUV values have skyrocketed tremendously over the past two or three years, with increases from one set of valuations to the next (every three years) of over 200-300%. This has resulted in unwarranted increases in farm real estate taxes, which jeopardizes Ohio's agricultural productivity and threatens once profitable farming operations."

"One of the chief reasons for the CAUV value increase has been the extremely low interest rates that have been prevalent in the economy, that then find their way into the formula. This has been due mainly to the Federal Reserve System's quantitative easing program wherein the Fed participated in unprecedented monetary policy in order to keep interest rates low after the financial crisis of 2008. There is no way we could have anticipated this in our formula during the past few years."

OFU "welcomes this legislation as it will further refine and improve the CAUV tax formula," Mr. Finnarn said.

"We also support the legislative changes in the Bill in regards to "conservation" acres and I would note that in the past these conservation acres were mostly valued at the lowest value which was the minimum value."

Responding to Sen. Beagle, who expressed concerns about having to continually update the formula, Mr. Finnarn said he believed the fix would not require further action by the legislature.

Tony Bornhorst, a member of the Ohio Farm Bureau Federation and a Shelby County Commissioner, said that while CAUV "has been an invaluable program to the farming community" and the Kasich Administration has made some adjustments, "some problems still exist with the Capitalization Rate and Senate Bill 246 addresses the concerns...."

"For example, the Capitalization rate assumes that the farm land is only held for a 5-year period, but in most cases the farmland is owned for many generations," he said. "The Capitalization rate also assumes a certain amount of equity buildup at a predetermined rate."

That's not always the case, he said, citing the example of his own operation, which has had to renegotiate payments to the Farm Credit Service over the years.

"Equity of the farmland can rise and fall, depending on the success or failure of a crop and truly does not accumulate at a defined rate," he said.

Mr. Bornhorst said he realizes "these changes have an impact on local taxes, especially in the case of inside millage, and then a possible shift of taxes from agriculture to residential on voted millage."

"There has always been shifting of the proportions of property taxes paid by residential and agriculture sectors. Realizing that will continue to be the case, I do feel the changes that Senate Bill 246 proposes will ultimately be in the best interest of both the agriculture community and the residents of the State of Ohio," he concluded.

My name is Chad Kemp, president of the Ohio Corn & Wheat Growers Association, said in prepared testimony that while the formula has worked well for some time, "the recent escalations in CAUV have been shocking to say the least.

"Statewide, we have seen CAUV values increase by nearly 300% in the last few years, and I can personally attest to similar increases on my farm and the challenges that presents. When looking at various state regulations and tax policies, it is tough to find something that is having a bigger negative impact on Ohio agriculture than our CAUV rates."

"Senate Bill 246 has some common sense reforms to more accurately reflect the on-the-ground practices of today," Mr. Kemp stated. "Additionally, it is counterintuitive to have a tax system that discourages conservation as the CAUV formula makes no changes for when land comes out of production and into conservation. Senate Bill 246 looks to correct this flawed provision."

"At a time when grain farmers are struggling and many are literally selling their grain for less than it cost them to produce it, having to then shoulder CAUV increases of 300% is discouraging to say the least."

Further proponent testimony was provided by 16 other witnesses, including several who submitted only written comments.

County auditors also weighed in as interested parties.

Union County Auditor Andrea Weaver, co-chair of the CAAO Property Tax and Valuation Committee, noted that ODT last year adopted a rule change "that among other things provided for the use of more current data be used in the formula."

She said the effects of those changes are just starting to sink in. "Values for tax year 2016 appear to be increasing for some soil types, but at a decreasing rate, and others actually have decreased. Finally, a downward trend seems to be starting," she said. "We truly believe that the already-occurring market changes, along with the adjustments made by ODT last year, have not yet been fully realized. They are certain to cause a downward pressure on real estate values without any further changes."

Ms. Weaver said an ODT analysis of the effects of the proposed law change includes tax shifts, impacts on the school foundation formula and a "significant reduction of value" for farmland. "None of this considers the impact of the conservation provisions in the bill which would increase the reduction in value," she said.

"I believe the already-in-effect market occurrences and last year's changes should be given adequate time to really know how much of an impact they will have on CAUV values," Ms. Weaver concluded. "What is known is that the hastening of CAUV value reductions, outside of normal market changes of the formula's factors, will likely cause a shift in tax burden."

Athens County Auditor Jill Thompson and County Commissioner Larry Eliason presented joint testimony calling for different changes to the system and suggesting that a constitutional amendment may be in order.

The officials proposed that:

--Real estate devoted exclusively to commercial agricultural use that qualifies for the CAUV program be appraised by the county auditor in the same way that other property is appraised for tax purposes.

--Qualifying farmland would be discounted by a percentage.

--A fair and uniform valuation process be pursued.

--Farmers should be allowed to appeal the auditor's value to boards of revision when they believe it is too high or unfair.

Subscribers Note: Full testimony is available on the [committee's website](#) under April 27.

Transportation, Commerce & Labor

HB 195 LICENSE PLATE ([Grossman, C.](#)) To create the "Dream Field" license plate. (CONTINUED; 1st Hearing-Sponsor)

Rep. Grossman said proceeds from the "Dream Field" license plate will go toward a new Miracle League field in Grove City where children with disabilities can play baseball.

"The current fields are at capacity so the goal is to create the Grove City Dream Field, where any child with a disability both physical and mental, can play Miracle League Baseball on a specialized field," she said. "This field has a unique rubberized surface that accommodates wheelchairs, crutches and walkers, and would only be the second field of its kind in Central Ohio. However, it also comes with significant costs and maintenance requirements."

HB PROFESSIONAL ENGINEERS ([Landis, A.](#), [Blessing, L.](#)) To require professional engineers to complete **236** continuing professional development hours in professional ethics or rules relevant to engineering or surveying practices. (CONTINUED; 1st Hearing-Sponsor)

In brief sponsor testimony, Rep. Landis said the measure requires professional engineers and surveyors to complete two hours of continued education in ethics and rules as part of their mandated 30 hours.

The legislation would also allow engineers and surveyors to carry forward up to two hours in excess of the requirement as a part of their fifteen hours per year maximum, he said.

Rep. Blessing, who is an engineer, said the industry supports the additional training that is offered online.

SB DWELLING EGRESS (Beagle, B., Lehner, P.) To require a separate, exterior means of egress for dwelling areas above the second story of certain residential rental properties and to provide a qualified immunity to landlords who in good faith comply with the requirement. (CONTINUED; 3rd Hearing-All testimony)

Ann Garner and Anne Kohls detailed for the panel the story of how their children were killed in a fire because they were trapped on the third floor bedroom that had once been an attic. The University of Cincinnati students who were living in off-campus housing were an inspiration for the measure.

Ms. Garner rolled out a steel ladder as part of her testimony, demonstrating the type of item that could be required in such bedrooms if rules are promulgated as a result of the bill. The ladder costs \$265 - a total landlords making thousands of dollars off student rent payments each month should be able to cover, especially knowing that it could save lives, she said.

"Just like an exit sign in a commercial building, an egress ladder that is bolted down will always be in the proper place ready for use," she added.

Andrea Heinrichs, whose son was a roommate of the UC students and was not home at the time of the fire, also testified in support of the measure.

Former Toledo Fire Marshal John "Skip" Coleman said he's "certain" the proposal will save lives, pointing to 126 fatal on- and off-campus housing fires since 2000.

He also suggested the use of a retractable fire escape ladder that he said has the support of State Fire Marshal Larry Flowers and a dozen other fire marshals from around the country.

"In my professional opinion, this problem will not go away and in fact, probably will only get worse due to the economy and the demand for higher education in the coming years," Mr. Coleman said. "However, the requirement of a permanently affixed ladder or fire escape in conjunction with an appropriate sized window or other opening to the exterior, will significantly reduce the loss of life and injury to students and other renters of rooms above the second floor."

SB ROOFING CONTRACTORS (Patton, T.) To require commercial roofing contractors to have a license. 249 (CONTINUED; 1st Hearing-Sponsor)

Sen. Patton said the creation of the commercial roofing contractors license and a Roofing Section Board will protect consumers by curbing abuse.

"The ability to have qualified licensed contractors working on a crucial part of public and private commercial buildings is important," he said. "Contractors believe this is a route that will make Ohio safer."

Currently, it's possible for consumers to be taken advantage of by out-of-state companies because roofers are not required to be licensed, the sponsor said.

Under the proposed law, individuals would be eligible for licenses if they could show three years of continuous business existence, proof of insurance, no prior felony convictions, and proof of citizenship, Sen. Patton said. Those who don't meet those criteria must pass exams.

It also outlines renewal of licenses and continued education, he said.

"This bill is a simple way to license commercial roofing contractors in the same effective and efficient way that other specialty contractors are currently licensed while providing needed protections for public and private owners and helping to regulate the independent contractor abuse that is undermining Ohio's economy," he said.

SB TRANSPORTATION FUNDING (Manning, G.) To make supplemental appropriations related to transportation for the biennium beginning July 1, 2015, and ending June 30, 2017, and to declare an emergency. (REPORTED; 2nd Hearing-All testimony-Possible vote)

In written testimony, the Ohio Contractors Association, Ohio Concrete, Flexible Pavements of Ohio the International Union of Operating Engineers and the Ohio Aggregates & Industrial Minerals Association, offered support for the measure.

The funding provided in the bill would support about 4,875 and 4,000 jobs in fiscal years 2016 and 2017, respectively, according to the joint testimony.

"This funding, along with the allocations contained in HB53, the federal allocations in the FAST

Act and TIGER grants, coupled with the Ohio Turnpike bonding revenue, fortify Ohio's critical role as the crossroads of America and ensures that our roadways are safe and our economy continues to improve," they wrote.

Civil Justice

HB SMALL CLAIMS COURTS (Terhar, L., Dever, J.) To raise the maximum allowable limit of the monetary **387** jurisdiction of small claims divisions of municipal courts. (CONTINUED; 1st Hearing-Sponsor)

In sponsor testimony, Rep. Terhar told the committee the bill will boost the limit for small claims courts from \$3,000 to \$6,000.

"This legislation came about as a result of concerns from small business owners who are struggling to collect on accounts payable because they fell into an area where the receivable was higher than the current small claims limit, but too small to merit attorney's fees and court costs to file an action in a municipal court," he said

The measure, he said, will bring Ohio in line with other nearby states.

Chairman Sen. Bacon questioned how the \$6,000 figure was determined.

Rep. Terhar said it was a compromise among interested parties.

SB LIFE-SUSTAINING TREATMENT (Lehner, P.) To establish procedures for the use of medical orders for **165** life-sustaining treatment and to make changes to the laws governing DNR identification and orders.

(CONTINUED-AMENDED (See separate story); 5th Hearing-All testimony-Possible amendments & vote)

SB VOTING HOURS (Seitz, B.) To specify the conditions under which a court may order that a polling place **296** be kept open for extended hours on the day of an election and to require a person who votes pursuant to such an order to cast a provisional ballot. (CONTINUED (See separate story); 2nd Hearing-Proponent)

SB PERRY COUNTY COURTS (Hottinger, J.) To create the Perry County Municipal Court in New Lexington **299** on January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (CONTINUED; 2nd Hearing-Proponent)

Perry County Court Judge Dean Wilson told the committee that while the county's population has grown an average of 6% over the last decade, while the court's caseload has increased by 28% over the same time.

"To efficiently comply with the time requirements of the Supreme Court and the constituents of our county the need to expand our court to a full-time status was recognized by the Supreme Court," he told the committee.

Since that time, he said, the Somerset Mayor's Court has also been added to the docket.

The Ohio Supreme Court also provided written testimony in support of the measure.

SB 308 CHILD SUPPORT (Coley, B.) To amend the child support laws. (CONTINUED; 1st Hearing-Sponsor)

The bill "fine-tunes the child support administrative processes," according to sponsoring Sen. Coley.

"This bill implements necessary administrative changes that close unintended loopholes and create consistency in the processes without affecting the substantive rights of the parties," he said.

The legislation clarifies that a child support enforcement agency can order a mother to pay child support; expedites the process for administrative review; clarifies reasons for administrative termination of an order; changes administrative appeal periods to 14 days; and allows a CSEA to make an assumption about income when establishing orders if parties fail to show for court hearings.

Governor's Appointments: The committee also unanimously recommended full Senate confirmation of the appointments Juan Cespedes to the Ohio Civil Rights Commission, Megan Kelley to the Ethics Commission and Mark Vander Laan to the Ethics Commission.

Subscribers Note: For full testimony, visit the [committee's website](#) under April 27.

Criminal Justice

HB FAILURE TO STOP (Hill, B.) To increase the penalty for failure to stop after a traffic accident that results in the death of a person or serious physical harm to a person and to name this act Brandon's Law.

(CONTINUED-AMENDED (See separate story); 8th Hearing-All testimony-Possible amendments & vote)

HB RECORD SEALING (Pelanda, D., Rogers, J.) To allow a person who is convicted of an offense that may not be sealed to apply to have the conviction sealed if, before the person makes that application, the offense is changed so that it may be sealed. (REPORTED-AMENDED; 5th Hearing-All testimony-Possible amendments & vote)

The bill was amended to clarify that when a public official has their record expunged, a report of an investigation conducted by the Inspector General will not be sealed.

HB HEROIN TRAFFICKING (Blessing, L., Dever, J.) To decrease the minimum amount of heroin involved in a violation of trafficking in heroin or possession of heroin that makes the violation a felony of the first degree and that is necessary to classify an offender as a major drug offender. (CONTINUED (No testimony); 4th Hearing-All testimony)

HB ARSON (Koehler, K.) To eliminate lack of the property owner's consent as an element of arson when the property is abandoned real property and to make the consent of the owner of abandoned real property an affirmative defense. (CONTINUED; 1st Hearing-Sponsor)

The measure, according to sponsoring Rep. Koehler, closes a loophole in current law.

As the law is currently written, he said, prosecutors need to obtain written evidence from a homeowner that they did not provide someone with consent to burn down a structure in order to pursue arson charges.

"In the case of abandoned homes, this creates an impossible situation because the fire marshal cannot find the owners of these abandoned homes to get the important statement that they did not give 'consent' to the suspect," he said.

The bill would shift the burden of proof to the accused, which could raise owner consent as an affirmative defense.

"Vacant and abandoned homes are unfortunate targets for fires and temptations for arsonists, but we need to make sure that the law makes it possible to justly prosecute arsonists. A recent fire at a vacant home in my

district caused the unfortunate injury of a local firefighter," he said.

"While this case is currently under investigation, local fire marshals are continually challenged with trying to prove the owner did not give the arsonist consent, since it is increasingly difficult to locate the owners of these homes. It is important that we eliminate the lack of the owner's consent as an element of arson, when the property is abandoned," he continued.

The bill unanimously cleared the House in February.

HB IMPORTUNING (Schaffer, T., Smith, K.) To amend the penalties for the offense of importuning.
405 (CONTINUED; 2nd Hearing-Proponent)

Tougher sentencing laws are necessary for the crime of importuning because of the advancements in technology, according to Jeff Zech, commander of the Franklin County Internet Crimes Against Children Task Force.

"The number of children being sexually solicited via telecommunications devices is only going to grow," he said. "No longer does a Child Predator have to hide in the shadows waiting for a child to exploit, they simply log into a computer or mobile device within the safety of their own homes and begin the hunt. Child predators who solicit children online need to face a serious penalty for their actions."

Village of Baltimore Police Chief Michael Tussey told the committee he has dealt with dangerous predators for the last 13 years in law enforcement.

"Many of these offenders commit progressively more violent crimes against our families when there is no threat of prison time," he said. "Prison time is the only tool we have to make them think about personal consequences and to reconsider before harming children. These are not rational persons just as heroin addicts are not rational persons."

Michael Weinman, director of government affairs for the Ohio Fraternal Order of Police, reminded the committee that eight years ago, a man was arrested at the Statehouse after trying to meet what he believed to be a 15-year-old girl for a sexual encounter. He received a jail sentence of 30 days.

The bill, Mr. Weinman said, "is a necessary and much needed bill that will send a message throughout the criminal justice system that our children must be protected from these vile and lecherous predators."

SB EXPUNGEMENT (Obhof, L.) To provide that a person who is found not guilty of an offense by a jury or a court or who is the defendant named in a dismissed complaint, indictment, or information may apply to the court for an order to expunge the person's official records in the case if the complaint, indictment, or information or finding of not guilty was the result of the applicant having been a victim of human trafficking and to authorize intervention in lieu of conviction for persons charged with committing an offense while a victim of compelling prostitution. (CONTINUED; 2nd Hearing-Proponent)

Camille Crary, staff attorney for the Ohio Alliance to End Sexual Violence, told the committee the bill is a "natural and hugely productive next step" in combatting human trafficking.

The bill, she said, "has the potential to make huge improvements in helping survivors achieve independence and avoid returning to a life of victimization."

"When traffickers force addiction, compel theft, battery, or child abuse, for example, they leave their victims with a criminal record that precludes later financial independence," she continued. "Even if a victim is rescued and substantially rehabilitated, a record of tangential offenses nearly automatically eliminates employment prospects and leads the victim straight back to the only method of survival he or she knows."

She also applauded a portion of the bill that allows for records related to non-convictions to be expunged.

"Background check findings of dismissed charges related to human trafficking or prostitution cause their own damage by association, and this provision truly provides human trafficking victims with breathing room for a fresh start," she said.

Patricia Young, a resident of Ashland County, told the committee the bill will end the suffering of victims of human trafficking.

"These victims have suffered enough," she said. "They need to be able to move ahead, to have a fresh start, to return to society as a functional human being. And to get beyond their past and take that place in society, they need a clean slate."

Governor's Appointments: The committee also unanimously recommended full Senate confirmation of the appointments of Dwight Holcomb to Ohio Private Investigation and Security Services Commission, Roger Synenberg to Ohio Public Defender Commission and Christopher Viland to the Ohio Organized Crime Investigations Commission.

Subscribers Note: For full testimony, visit the [committee's website](#) under April 27.

Government Oversight & Reform

SB ATTORNEY GENERAL (Bacon, K.) To make various changes to the laws governing the duties and **227** functions of the Attorney General. (**CONTINUED-AMENDED**; 4th Hearing-All testimony-Possible amendments & vote)

Chair Coley amended the bill to create a study committee to review the potential restructuring of gaming enforcement in Ohio. The panel would have six months to submit its report to lawmakers.

He also added an amendment to clarify when attorney general investigators can carry weapons into domiciles such as nursing homes and specify when it is appropriate for special counsel seeking to recover state funds can use attorney-general letterhead.

Sen. Seitz also won adoption of an amendment that removes a proposed court filing fee for actions regarding the sealing of certain conviction records.

Michael Falleur of the Ohio Association for Justice testified as an interested party.

He said the bill correctly eliminates a statute of limitations that restricts juveniles' ability to make claims for support from the state's crime victim funds, putting them on the same level as adult victims.

He said, however, OAJ is seeking an amendment that would adjust the timeframe for filing supplemental claims for support from that fund. He said limits in the current process encourage the filing of "placeholder" claims that don't include dollar amounts, but only seek to keep the potential for filing in the future open.

Even though those filings don't include specific financial requests, they must be processed by the Attorney General's office, consuming time and resources.

Removing the timeline, he said, would allow the filing of a number of supplemental requests.

Sen. Skindell, who is working on the amendment, noted that people filing supplemental requests have already been certified as crime victims. He asked whether those victims can submit requests for future medical care.

Mr. Falleur said victims can't file for estimated future medical expenses.

He told Sen. Coley there have been cases when crime victims haven't learned about medical needs the end of the supplemental filing period, creating timing concerns.

James Roberts, an assistant attorney general, appeared before the panel to respond to questions about changes to the Valentine Act - Ohio's antitrust law.

He said the key reason for the proposed changes is to get Ohio's penalties for violations more in line with federal penalties.

Sen. Seitz said he had no issue with the antitrust changes, but expressed a concern with proposed changes regarding racketeering laws. Mr. Roberts said the office did not object to an amendment that would delete the racketeering sections.

SB PAWNBROKERS (Eklund, J.) To make changes to the law relating to pawnbrokers. (CONTINUED; 270 2nd Hearing-Proponent)

Louis Tansky of the Ohio Pawnbrokers Association testified in support, telling lawmakers that the pawnbroking industry provides everyday financial services functions that are crucial to a certain portion of the population.

Among those services, he said, are short-term collateral-based loans that are needed by Ohioans and which are affordable.

He said the bill modernizes and revises key areas of the pawn act that haven't been addressed in decades. Among other things, the bill updates the definition of pawnbrokers, implements modest fee increases; institutes higher funding requirements to ensure liquidity; specifies entities with which pawnbrokers cannot do business and allows pledgers to prepay certain fees whenever they want.

With the bill, he said brokers would continue to report transactional data to law enforcement. Further, he noted that pawnbrokers operate under multiple federal regulations that include protections for businesses and clients.

Sen. Obhof recalled that the organization opposed changes included in a proposal considered in previous legislatures.

Mr. Tansky said more recent proposals have problematic sections, including language favoring larger operators over small pawn companies.

Mr. Tansky said the proposed fee increases are small, especially considering increased federal regulations that have created new costs for brokers.

He also told the panel that the bill is not intended to cover consignment and similar type stores, based on suggestions from the sponsor. "We want to sort of leave the other businesses out of it," he said.

James Eckman, also of the Ohio Pawnbrokers Association, detailed the fee increases in the measure.

He said the bill increases the monthly interest rate from 5% to 6%, the first increase in decades.

The proposal indicates that licensees can't charge more than \$6 per month to store pledged articles and allows a \$5 fee to cover costs tied to notifying a pledger that pledged articles may be forfeited. A \$10 fee would be allowed for licensees who are required to follow the Brady Bill's requirements to process firearms background checks.

To offset those increases, he said the bill adds a fourth month to the loan period.

He also told Sen. Coley the bill eliminates a fee to replace a pawn ticket.

SB NATURAL RESOURCES (Balderson, T.) To revise specified laws relating to natural resources. 293 (CONTINUED-See separate story; 2nd Hearing-Proponent)

SB AGENCY RULEMAKING (Uecker, J.) To reform agency rule-making and legislative review thereof.

303 (CONTINUED; 2nd Hearing-Proponent)

Larry Wolpert, executive director of the Joint Committee on Agency Rule Review, testified in support of the bill that makes changes to the state rulemaking process.

He said the bill makes two major changes which permit the JCARR chair to call agencies to appear if it is learned that agencies are conducting business through policy rather than rules. Further, the chair could call agencies that appear to not be writing legislatively-required rules to testify.

Mr. Wolpert said the bill also directs agencies to conduct a self-examination at the start of each gubernatorial administration to identify policies that should be in rule form. The bill also creates a new JCARR program that allows for invalidation if a fee proposed by an agency isn't reasonable or fair.

He told Sen. Skindell the fee-related invalidation option would only involve fees that are determined through the rule-writing process. If fees are set by the legislature, the option would not be available.

Brandon Ogden, director of the Ohio Chamber of Commerce's Ohio Small Business Council, testified in support, saying the bill represents the next step in improving the state's regulatory environment.

He said small companies particularly don't have time and resources to interpret rules, and enhancing the process would help them advocate for their own interests.

Bill Bishop, the OSBC's chair, also lent support. He said the proposal includes suggestions from many of the group's members, including expanding the definition of what constitutes an adverse business impact that makes rules subject to invalidation.

He also welcomed language directing agencies to make rules easier to understand by including references to rule language that is incorporated by reference. Mr. Bishop added that language requiring fair and reasonable fees is also a positive step.

Charlie Connor, CEO of Alcon Tool Company, also lent support, saying overzealous regulation is a key concern for businesses. He said the bill could protect companies from bureaucratic overreach and makes sure that agency staff consider the impact that rules can have on the business community.

Health & Human Services

HB DRUG SALES (Rezabek, J.) To prohibit the over-the counter sale, without a prescription, of **197** dextromethorphan to a person who is under 18 years of age. **(CONTINUED (No testimony); 3rd Hearing-Opponent & interested party-Possible vote)**

HB CHEMICAL DEPENDENCY (Sprague, R.) Regarding the practices of chemical dependency counseling **230** and prevention services. **(CONTINUED; 2nd Hearing-Proponent)**

Dianne Fidelibus, a former member and chair of the Chemical Dependency Professionals Board, said the bill would allow the board and the field of chemical dependency professionals to adapt to changes in industry standards more easily.

"House Bill 230 moves the specification for work and education requirement from statute within the Ohio Revised Code to rule within Ohio Administrative code which will allow for more timely and efficient process for responding to the changing needs in this profession," she said.

The long process of changing practices makes it harder to help fight the state's drug epidemic, she said. "It is an awful situation that we're facing, and right now there is a dark cloud that opiates have cast over Ohio."

HB AWARENESS DAY (Sheehy, M., Patterson, J.) To designate February 17th as "Annie Glenn **431** Communication Disorders Awareness Day." **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

SB MALNUTRITION (Manning, G.) To create the Malnutrition Prevention Commission to study malnutrition **245** among older adults. (REPORTED-AMENDED; 4th Hearing-All testimony-Possible amendments & vote)

The committee reported the bill after adopting an amendment that added the executive director of the Commission on Minority Health or her designee to the panel.

SB DIABETES (Hite, C.) To require state agencies to assess the incidence of diabetes in Ohio, to establish **287** goals and plans to reduce that incidence, and to submit biennial reports with findings and recommendations for fiscal and legislative policies on diabetes prevention, treatment, and management. (CONTINUED; 1st Hearing-Sponsor)

Sen. Hite said the bill would have different state agencies come together to create a diabetes action plan, an important task in combating a disease that affects more than a million people in the state and can make other health conditions worse.

"The Diabetes Action Plan is a new way to help ensure legislators and other policymakers are strategically taking steps toward reducing the prevalence of diabetes in our state. The bill would establish a collaborative process of planning and action across certain state agencies to improve diabetes care, reduce the risk of diabetes, and control complications."

The Department of Health has already done extensive study of diabetes, and he said he hopes that can be used as a starting point.

"The plan and report will offer options and opportunities that legislators and policymakers can utilize today to ensure the future health of Ohio is not dictated by diabetes," he said.

Chair Sen. Jones asked if Sen. Hite would support programs that encourage smoking cessation, as smoking has been shown to be a significant factor in the development of diabetes.

Sen. Hite said he supported anything that would help fight the disease.

"This is a chance for us to do something that will have a profound effect on the future," he said.

SB AWARENESS MONTH (Yuko, K.) To designate September as "Pain Awareness Month." **291** (CONTINUED; 1st Hearing-Sponsor)

Sen. Yuko said the bill would help raise awareness for people with chronic pain, a condition that is often overlooked but affects nearly 100 million Americans.

"The public needs to be aware that just because you can't witness a person's pain doesn't mean they are not suffering," said Sen. Yuko, who has multiple sclerosis.

More awareness of chronic pain could lead to more research, which is essential in finding ways to deal with pain other than opioid pain relievers. Opioid abuse, including heroin use, is an epidemic in Ohio, and many people become addicted because it's often the only way they know to treat chronic pain.

"We need to work to find less damaging solutions and help people with chronic pain, addicts or not, lead healthy and productive lives," he said. "Let's work to stop a huge contributor to this problem where it begins: with more awareness of the pain accompanying many conditions, we can get the research we need to find more solutions for healthy pain management."

Sen. Hite asked if Sen. Yuko had spoken with chiropractors and acupuncturists, who offer ways to treat pain without medication. Sen. Yuko said he had spoken to them when he had introduced similar bills in the past.

"It's just another opportunity that we need to explore and embrace, and they do an awful lot of good," he said.

SB FLU VACCINE (Patton, T.) To require the Ohio Department of Health to prepare an influenza vaccine information sheet pertaining to older adults. (CONTINUED; 1st Hearing-Sponsor)

Sen. Patton said the bill would require the Department of Health to prepare and make available information about influenza vaccines for older Ohioans who live in institutional settings, such as nursing homes. It doesn't require the nursing homes, assisted living facilities or others to make it available to residents, but it does give them the option, he said.

The bill says the pamphlet should recommend that the person should consult with a physician to determine if the vaccine is appropriate.

The awareness is important, Sen. Patton said, because older people are more susceptible to the flu, particularly when they live in facilities with a lot of other people.

"As we age, our immune systems weaken, making older adults particularly vulnerable to illness during the flu season," he said. "Greater awareness can help reduce this threat. For seniors, the flu can easily turn into pneumonia or bronchitis. Vaccination and awareness are keys to reducing the severity of flu cases."

Sen. Cafaro said she received a call from a constituent who was concerned that the information wouldn't include listings of possible side effects of vaccines.

Sen. Patton said he believed that's why the information will suggest they consult with a physician, who knows the side effects and can make the proper recommendation.

SB OUTPATIENT TREATMENT (Beagle, B.) Regarding minors and outpatient mental health treatment. 42 (CONTINUED (No testimony); 3rd Hearing-All testimony)


Governor's Appointments: The committee also unanimously recommended full Senate confirmation of Sheryl Warner and Lisa Klenke to the State Board of Nursing.

Subscribers Note: Full testimony is available on the [committee's website](#) under April 27.

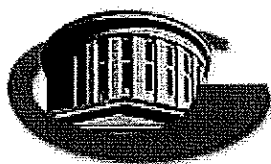
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House Activity for Wednesday, April 27, 2016

PASSED

SB DAY DESIGNATION (Hughes, J.) To designate August 7 as Ohio Purple Heart Day.

239

94-0

Gongwer Coverage

SB TAX HOLIDAY (Bacon, K.) To provide for a three-day sales tax "holiday" in August 2016 during which sales of back-to-school clothing and school supplies are exempt from sales and use taxes.

264

94-1 (Butler)

Gongwer Coverage

HB COMMUNITY EVENT FUNDING (Brenner, A.) To authorize boards of township trustees and boards of park commissioners to expend funds for the public purpose of presenting community events in their parks and at other recreational facilities.

361

95-0

Gongwer Coverage

HCREDUCATION ACT (McColley, R.) To urge the United States Congress to pass the ADA Education and Reform Act of 2015.

32

95-0

Gongwer Coverage

ADOPTED

HR. 394 (Rosenberger) Relative to the election of House GOP leadership. VOTE: 77-0

DELIVERED TO THE GOVERNOR

HB 242 DAY DESIGNATION (Hagan, C., Dever, J.) To designate the fourth Sunday of July as Blue Star Mothers Day.

COMMITTEE HEARINGS

Economic & Workforce Development

HB TAX EXEMPTION (Young, R., Romanchuk, M.) To exempt employment services and employment placement services from sales and use tax. (**REPORTED** (See separate story); 8th Hearing-All testimony-Possible vote)

343

Financial Institutions, Housing & Urban Development

HBSTATE FINANCING (McClain, J.) To authorize the Treasurer of State to issue revenue obligations of the **435**state for the purpose of making loans to qualifying public entities for their acquisition of permanent improvements through the Treasurer of State's purchase of public obligations of those qualifying entities. **(REPORTED (No testimony); 4th Hearing-All testimony-Possible vote)**

HBMORTGAGE FORECLOSURES (Dever, J.) To establish expedited actions to foreclose mortgages on **463**vacant and abandoned residential properties, to permit private selling officers to conduct judicial and execution sales of real property, to state the intent of the General Assembly regarding mortgage foreclosure actions, to revise the Commercial Paper Law relating to mortgages and lost instruments, and to make other changes relative to foreclosure actions. **(REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible vote)**

The committee approved an amendment from Rep. Hambley that made two changes. The first would give sheriffs five years to go onto the online system for real estate transactions referred to in the bill. The second change would permit a dual sale at both an online and physical location.

Subscribers Note: For full testimony, see the [committee's website](#) under April 27.

Health & Aging

HBMEDICAID DRUG COVERAGE (Sprague, R., Antonio, N.) To prohibit certain health care plans and the **248**Medicaid program from denying coverage for opioid analgesic drugs with abuse-deterrent technology based solely on cost. **(CONTINUED; 4th Hearing-All testimony-Possible substitute)**

Sponsor Sprague outlined a substitute of the bill that scales back mandatory insurance coverage for all abuse-deterrent opioid analgesic drugs to requiring insurers and Medicaid provide access to the products in their formularies or lists of covered drugs.

Removed by the substitute is the original provision that reimbursement for the drug product cannot be excluded or denied solely due to the drug's cost. The substitute also contains new language requiring that an insurer or the Medicaid program apply prior authorization requirements or utilization review measures as conditions of providing coverage of opioid analgesic drug products, except when prescribed to a hospice patient or to any other patient diagnosed with a terminal condition or to treat cancer or another condition associated with cancer.

Cindy Koumoutzis, mother of a successfully rehabilitated opioid-addicted daughter and co-founder of the national Change Addiction Now (CAN), testified that although the amount of pain reported by Americans has not changed since 2000, there are four times the amount of opioids being prescribed. And she said, besides the combined annual cost of health care and decreased work productivity due to pain reaching \$635 billion, the result is a quadrupling of deaths many of which could have been prevented.

"This is a non-discriminatory crisis facing the largest cities to the smallest of towns. We are not only losing our parents, friends and neighbors, but also our children, siblings and co-workers. And we can prevent this devastation by safer prescribing," she told the committee.

Ms. Kourmoutzis continued that given the complexity of the problem, it is clear that innovation in the area of abuse-deterrent formulations alone will not be able to solve the issue in full, but it will play a vital role and can contribute to reaching the overall aim of reducing the abuse of prescription medicines. She predicted that abuse-deterrent medications and prescribing guidelines listed in the legislation have the potential to reduce the public health burden of prescription opioid abuse.

Rep. Sears questioned whether the legislation could lead to the altering of prescribing habits and get more drugs on the streets because of the availability of the abuse-deterrent drugs. She suggested such a consequence would not address the actual problem. Likewise, Rep. Bishoff said the bill could be just paying lip service to drug abuse with the deterrent, ultimately encouraging different rather than addressing prescriptive habits. Rep. Antonio said since 1995, people have been told these drugs are safe and the bill addresses only one issue.

Other written proponent testimony was offered by the Ohio Association of County Behavioral Health Authorities, Ohio Community Corrections Association, Ohio Alliance of Recovery Providers, The Counseling Center, Pickerington City Council and the Ohio State Medical Association. The Ohio Chamber of Commerce submitted interested party testimony.

HB PALLIATIVE CARE FACILITIES (Schuring, K.) Regarding palliative care facilities.
470 (CONTINUED; 2nd Hearing-Proponent)

Sister Marilee Heuer and Sister Janet Harold of the Congregation of the Devine Spirit in Canton, urged passage of the bill to assist in fulfilling their mission of establishing a palliative care "home" as a separate non-profit ministry. Sister Heuer said, as envisioned, the palliative care home would be contrary to the nursing home facility that serves the needs of the elderly and hospice care. She said the palliative care home would offer a "middle ground" of service in an alternative home providing care for patients who are unable to manage their own homes, even with the help of family and/or friends or the intermittent help provided by a home care agency.

She said the congregation is asking for a mandate, or permission, or a waiver from the legislature to establish the palliative care home that is not part of a nursing home or hospital or hospice and not governed by the laws and rules concerning them. She reported the home will not depend on state or federal programs for funding and it would be operated following guidelines provided by the Center to Advance Palliative Care (CAPC) and implementing best practices regarding palliative care.

Sister Harold pointed to a CAPC study indicating that investment in chronic care management is key to controlling future hospital costs as palliative care has been shown to lower costs for hospitals and payers. She said the vision is to provide faith-based, private-pay, non-profit, homelike palliative care in what could be called a palliative care home, more akin to home care than to skilled nursing. "There are too many people struggling to manage complex medical issues on their own. The need is there. We ask your permission to fill it," she asked.

Pediatric and geriatric nurse Roberta McKnight told the committee that with the growing health care services and options available, it is hard to believe there are still gaps in the system that creates needless suffering and struggle through the end-of-life journey. She said several gaps within the existing system could be bridged by providing a facility-based palliative care option that studies have shown to provide desired quality care with improved clinical outcomes.

"Facility-based palliative care allows for one touch point, professional care. By its very nature, it removes many of the variables that exist within family support systems, living situations and would reduce the margins of error and miscommunication. The result: More satisfied patients with improved clinical outcomes," Ms. McKnight concluded.

Rep. Sears asked about how such a care home would fall within the state's regulatory scheme. Sponsor Schuring said the concept authorized by the bill was discussed with the Department of Health and it was determined that such a home did not presently have a niche in state law. He said the bill creates licensure requirements and a fee structure to accommodate the special needs of such proposed palliative care centers.

HB AWARENESS DAY (Terhar, L., Johnson, T.) To designate January 31 as 'Omphalocele Awareness Day.'
490 (REPORTED; 2nd Hearing-All testimony-Possible vote)

Danielle Spears told her story of finding out at 16 weeks of gestation that the baby was diagnosed with omphalocele, a condition she knew nothing about and couldn't even pronounce. Her daughter Zoe was born with the abdominal wall defect in which the intestines, liver and occasionally other organs remain outside of the abdomen in a sac because of a defect in the development of the muscles of the abdominal wall. After numerous surgeries at the Fetal Care Center in Cincinnati, Ms. Spears said Zoe, although battling with reflux and has slow weight gain, is a typical little girl getting closer to the terrible twos.

Ms. Spears said public awareness, expert medical care, accurate and early diagnosis and social support systems are all essential for optimal treatment which is what she is hoping to gain with the creation of the Omphalocele

Awareness Day. She said this platform will give hope, support and education to many families affected by an omphalocele.

Foong-Yen Lim, pediatric and fetal surgeon at Cincinnati Children's Hospital, said the spectrum of severity can vary from a small hernia to a large defect with extrusion of the liver and other organs. He explained the condition is caused by something going wrong with the "infolding" of a fetus beginning at 3-4 weeks of gestation when various body compartments are being developed. Dr. Yim, who has been caring for patients with omphalocele for over 15 years, said the incidence of reported occurrence is between 1 in 300 to 4,000, with the broad range due to reporting discrepancies and deaths before birth due to multiple anomalies.

Dr. Kim concluded omphalocele is not just a hole in the belly but a birth defect with increased risk of associated anomalies as well as significant morbidity and mortality. Although there have been improvements in the outcomes of these patients in recent years, he said more needs to be done to understand omphalocele better to decrease those rates. He concluded the awareness day would serve to raise public awareness and encourage medical research on the birth defect.

HB BIOLOGICAL PRODUCTS (Huffman, S., Pelanda, D.) Regarding the regulation of biological products **505** and the substitution of interchangeable biological products when dispensed by pharmacists.

■ (CONTINUED; 2nd Hearing-Opponent)

Ohio Pharmacists Association Executive Director Ernest Boyd said there is much to commend in the bill, but the association opposes it in its current form and offered recommendations on improvements and to make it less costly and less burdensome on pharmacists dispensing biosimilar medications. He said biosimilar medications, especially those meeting FDA stringent requirements to be designated as "interchangeable," provide an excellent and much-needed boost of competition into the prescription drug marketplace that should generate significant future cost savings.

Based on the fact that there are few biosimilar interchangeable products that have been approved, Mr. Boyd said the OPA is neutral on the general requirement of notification when a pharmacist makes a substitution on a biosimilar interchangeable product. He added the pharmacists' group will continue to monitor the requirement's usefulness as more medications are approved and will address the issue later if it is believed the notification requirement is unnecessary.

Mr. Boyd said the OPA's main concern is the requirement that a pharmacist must report to the prescriber even when the pharmacist dispenses the original product that he prescriber wrote for. He said this reporting requirement is unnecessary and a waste of time and resources of both the pharmacist and the prescriber. He said many new drugs are released each year that have potential side effects and other problems and pharmacists and physicians are good at watching for such issues and reporting them when necessary. He noted all this occurs without notification requirements like the ones currently in the bill and there is no need to have such an onerous reporting requirement on both professions. And, Mr. Boyd added that there are no such reporting requirements on even the most dangerous drugs and there is no great concern about biosimilar drugs from a safety standpoint.

State Government

HB TRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise **341** the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. (CONTINUED; 5th Hearing-All testimony-Possible amendments & vote)

The committee appeared poised to discuss several amendments before Chairman Rep. Maag informed committee members that a meeting with interested parties to discuss possible changes to the bill was to be held later Wednesday. Because of that, he recommended the committee refrain from taking amendments or voting on the bill until the committee's next meeting.

Jeffrey Junkas of Property Casualty Insurers submitted written proponent testimony, saying the proposed Towing and Quick Clear Board would advance consumer protections by allowing the Public Utilities Commission of Ohio to sanction "rogue towers."

"Quite simply, it's about fairness," he wrote. "To protect and benefit all Ohioans, PCI's urges you and your colleagues to vote yes on HB 341, as amended."

HB MILITARY RECORDS (Perales, R.) To specify that an order for active military service or other **423** documentation regarding the call to order of an individual in the Armed Forces of the United States or the Ohio organized militia is not a public record. (**CONTINUED (See separate story)**; 3rd Hearing-All testimony-Possible vote)

HB AWARENESS DAY (Anielski, M.) To designate the Saturday before Thanksgiving as "Ohio Survivors of **440** Suicide Loss Day." (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

The committee reported the measure without debate following proponent testimony from Matthew Fullen, a counselor with the Ohio State University Suicide Prevention Program, who said that 42,000 Americans and 1,500 Ohioans die by suicide each year. He said the stigma surrounding suicide leaves families recovering in near isolation.

"When a suicide occurs, those individuals who are left behind, known as suicide survivors, must bear the pain of losing a loved one," Mr. Fullen said. "The American Association of Suicidology estimates that for each death by suicide, 147 people are exposed, and among those, 18 experience a major life disruption. Suicide is truly a public health problem that demands our attention."

Several pieces of written proponent testimony were submitted, including from several other OSU professionals, the American Foundation for Suicide Prevention, and the Buckeye Campaign Against Suicide.

HB PERRY COUNTY COURT (Hayes, B.) To create the Perry County Municipal Court in New Lexington on **495** January 1, 2017, to establish one full-time judgeship in that court, to provide for the nomination of the judge by petition only, to abolish the Perry County County Court on that date, to designate the Perry County Clerk of Courts as the clerk of the Perry County Municipal Court, and to provide for the election for the Perry County Municipal Court of one full-time judge in 2017. (**CONTINUED**; 2nd Hearing-Proponent)

Perry County Court Judge Dean Wilson submitted written proponent testimony.

"During my 26 years in this position, the complexity of the cases have expanded as well as the individual needs of the defendants appearing before the court," he wrote.

The opening of an Ohio State Highway Patrol auxiliary post in 2014, the addition of the Somerset's Mayor's Court, and the heroin epidemic have each prompted an increase in the court's case load, he wrote.

"I am proud of what my staff and court has accomplished over the past 26 years but recognize the increase in numbers and services our courts are expected to provide to our constituents now beckons for the court to be converted to full-time status and hope your committee and the legislature recognize the same," Judge Wilson wrote.

SB AWARENESS MONTH (Seitz, B., Tavares, C.) To designate the month of April as "Genocide Awareness **188** Month." (**REPORTED**; 2nd Hearing-All testimony-Possible vote)

This seemingly noncontroversial bill drew objections from a pair of witnesses who said they support the bill's aim despite their concerns with its language.

Dayton resident Adil Baguirov said the bill needs modification "to prevent the devaluing and cheapening" of genocide.

He said drafters are inadvertently mixing four atrocities that have been legally recognized by the UN as genocides. All other atrocities, no matter their scale or how gruesome, fall short of the legal definition of genocide, he said.

"SB 188 is ignorant of the UN Convention on the Prevention and Punishment of the Crime of Genocide by being extremely imprecise and careless with legal terminology," Mr. Baguirov said.

He also questioned why the bill does not seek to designate December, not April, as an awareness month since December 9 is the International Day of Commemoration and Dignity of the Victims of the Crime of Genocide.

Rep. Kunze asked whether he raised these questions during the bill's progress in the Senate. Mr. Baguirov said that by the time he learned of the bill, it had already cleared the Senate. He said he voiced his concerns to Senate President Faber but had not yet spoken with sponsors Sens. Tavares and Seitz.

Islom Shakhbandarov likewise praised the intent of the legislation, but also questioned the selection of the month of April considering the UN's December declaration.

As a member of the Meskhetian Turks, who faced deportations and discriminations under Soviet Russia, he said such events in history should be remembered.

"With this UN resolution in fact, there is no longer a need to designate different dates by the member states as December 9th is promoted by the UN as a universal day to remember past atrocities," Mr. Shakhbandarov said. "As my family suffered an enormous tragedy too, I would like to join all the people around the world in remembering past atrocities together. We therefore respectfully ask the committee to amend the word April in this bill with December so that it will be more inclusive."

Dan Hoffheimer of Cincinnati requested committee support for the bill, which he said would see Ohio joining a number of other states in declaring a genocide awareness month.

"A state-approved declaration would raise awareness that Ohioans must join other Americans and people of goodwill throughout the world to protect innocent people, prosecute perpetrators, prevent future atrocities, and remember those who have suffered, all around the world," he said.

Subscribers Note: For full testimony, visit the [committee's website](#) under April 27.


Select Committee on Medical Marijuana

HB MEDICAL MARIJUANA (Huffman, S.) To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (**CONTINUED (See separate story)**; 5th Hearing-All testimony)

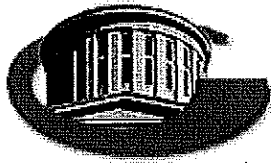
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Daily Activity Planner for Thursday, April 28

Legislative Committees

House Finance: Higher Education Sub. (Committee Record) (Chr. Duffey, M., 644-6030), Rm. 311, 9 a.m.

- Department of Higher Education-Agency Testimony

HB HIGHER EDUCATION (Brown, T.) With respect to the coordination and administration of higher **474** education programs and the College Credit Plus program. (1st Hearing-Proponent)

Joint Education Oversight Committee (Chr. Hite, C., 466-8150), North Hearing Rm., 10 a.m.

- Discussion of amendments and executive director position

2020 Tax Policy Commission, 2020 Tax Policy Commission (Chr. Peterson, B., 466-8156, Chr. McClain, J., 466-8156), South Hearing Rm., 10 a.m.

- Testimony regarding the Historic Preservation Tax Credit and cable and satellite taxes.

House Select Committee on Medical Marijuana (Chr. Schuring, K., 752-2438), Rm. 313, 11 a.m.

HB MEDICAL MARIJUANA (Huffman, S.) To authorize the use of marijuana for medical purposes and to **523** establish the Medical Marijuana Control Program. (6th Hearing-All testimony)

Correctional Institution Inspection Committee (Chr. Hite, C., 466-8150), South Hearing Rm., 1:30 p.m.

- Presentations from Department of Rehabilitation and Correction, Department of Youth Services, Department of Education and CIIC updates

EMIS Advisory Board (Chr. Hite, C., 466-8150), South Hearing Rm., 1:30 p.m.

Agency Calendar

State Board of Education, Ohio Department of Education, 25 South Front Street, Columbus, 9:30 a.m.

Ethics Commission, 126 S. State St., Meeting Room A, Westerville, 12 p.m. (Advisory Committee)

Criminal Justice Recodification Committee, Senate Finance Hearing Rm., Columbus, 1 p.m.

EMIS Advisory Board, Statehouse Rm. 116, Columbus, 1 p.m.

School Facilities Commission, Rm. 121, Statehouse, Columbus, 1:30 p.m.

Facilities Construction Commission, Rm. 121, Statehouse, Columbus, 2:30 p.m.

Event Planner

No events scheduled.

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1 message

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To: sml@sarahlatourette.com

Fri, Apr 29, 2016 at 3:55 PM



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Email Alerts For Sarah LaTourette

Tracked Committees

House State Government

5/3/2016, 9 a.m., Rm. 018

SB **CONTRACTOR LABOR** (Uecker, J.) To prohibit a public authority from requiring a contractor to employ a certain percentage of individuals from the geographic area of the public authority for the construction or professional design of a public improvement.

SCRT**TOXIC EXPOSURE** (Uecker, J.) To urge the United States Congress to pass and the President to sign into law the Toxic Exposure Research Act of 2015.

HB **POLICE DOGS** (Schuring, K., Slesnick, S.) To prohibit a person from intentionally killing a police dog in the line of duty.

HB **TRANSPORTATION LAWS** (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law.

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Sarah LaTourette Kayser <latoursm@gmail.com>

Ohio Report, Tuesday, May 3, 2016

1 message

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Tue, May 3, 2016 at 7:44 PM

**GONGWER** Ohio
The Record of Capitol Square Since 1906**Ohio Report for Tuesday, May 3, 2016**

Latest Budget Update Bill Adds DRC Money For Improvements, Tax Exemption To Nationwide Arena

Committee Eyes Wednesday Vote On Natural Resources MBR Bill Despite Opposition

House Panel Hears Conflicting Testimony On Lead Notification Timeline In MBR Bill

Insurance Industry Pushes For Changes To Prior Authorization Bill Backed By Heath Providers

House Medical Marijuana Chair Expects Substitute Bill Wednesday, Vote Next Week

Agency Chiefs Say Medicaid Behavioral Health Redesign Should Help In Care Of Multi-System Youth

Amendment Prohibits Safe Harbor From Impacting Ed Choice Eligibility

Chair Envisions Quick Committee Approval Of Faber Public Records Bill

High Court Finds Exchange Of Emails, Other Forms Of Communication Can Violate Open Meeting Laws

House Panel Advances Measure Democrats Describe As 'Senate Bill 5-Light'; Floor Vote Planned Wednesday

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Agriculture & Rural Development

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GONGWER Ohio
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Volume #85, Report #85 -- Tuesday, May 3, 2016

Latest Budget Update Bill Adds DRC Money For Improvements, Tax Exemption To Nationwide Arena

Fast-tracked legislation sought by the Kasich Administration would bolster prison security and mental health programs by \$18 million while adjusting a number of other budget items and capital projects.

Among several other provisions in what Office of Budget and Management Director Tim Keen dubbed the "OBM Mid Biennium Review" bill (HB 547) is a tax exemption for Nationwide Arena in downtown Columbus, which faces the end of a long-term tax abatement.

In describing the general contents of the bill, which was introduced Tuesday, Mr. Keen also provided the House Finance & Appropriations Committee an update on state finances, saying the administration is projecting to end the fiscal year on June 30 with a positive balance of about \$300 million despite an expected lag in personal income taxes. (Director's testimony)

That's mainly because the state has underspent compared to projections, largely in the Medicaid entitlement. (See Gongwer Ohio Report, April 8, 2016)

Mr. Keen said the latest MBR package backed by Gov. John Kasich could be broken down into four components: appropriation changes and adjustments, operating budget and prior MBR provision amendments; capital bill and re-appropriations bill clean up; and tax provisions.

Topping the appropriations adjustments is the money for the Department of Rehabilitation and Correction "to provide security and mental health programming improvements, and for the Treatment Transfer program."

The transfer program established in the biennial budget measure (HB 64) allows DRC to transfer certain non-violent inmates out of its institutions and into specific community facilities if they successfully complete a substance abuse treatment program, he explained.

"The \$18 million in this bill also allows DRC to continue to implement a security plan developed by the department to address critical populations within DRC institutions," Mr. Keen said. "This security plan includes the conversion of an existing facility to house Close Security inmates, in order to decrease the density of that population throughout all DRC institutions and reduce incidents of violence."

The bill also appropriates \$1.4 million for the Ohio State School for the Blind to offset the loss of a special education outreach grant, according to OBM.

Mr. Keen said an example of budget adjustments in the bill is authority to use an unencumbered balance in the Ohio Healthier Buckeye Grant Pilot Program to cover grants issued in FY 2017.

Other adjustments involve: an update to the exempt employee pay table requested by the Department of Administrative Services and cleanup language regarding the administration of the Job Retention Tax Credit, the OBM director said.

On the capital side, Mr. Keen explained, "The OBM-MBR also includes a number of amendments to the capital and capital reappropriations bills that provide necessary clarification on the use of capital funds or correct

technical issues such as the identification of the fiscal agent and the proper name of the capital project."

The director said after the hearing that none of the capital bill-related tweaks would be considered controversial.

Two tax-related provisions in the measure did prompt some questions from the committee, which was fairly depleted of members by the time Mr. Keen testified, having already sat through more than three hours of testimony on four other bills.

Rep. Mark Romanchuk (R-Mansfield) questioned the inclusion of the tax exemption provided to the owner of Nationwide Arena, the Franklin County Convention Facilities Authority.

Mr. Keen said the exemption, which has been sought by the authority for months, would provide the arena with "the same tax treatment as similar publically owned facilities in Ohio."

Rep. Jack Cera (D-Bellaire) noted that language in the bill to prohibit counties from levying utilities service taxes is similar to a provision in legislation (HB 473) pending in the House Ways & Means Committee.

Mr. Keen said there was an agreement to move it through the legislature, noting the levy authority has never been utilized during the nearly 50 years it has been in state law.

Other Fund Uses/Year-End balance: Given the expected year-end balance, Mr. Keen also proposes in the bill to replenish the Emergency Purposes Contingency Fund to the tune of \$25 million.

"During FY16, the amount of emergency purposes requests - notably wrongful imprisonment cases - was greater than expected. These requests have already exceeded the \$10 million appropriated for emergency purposes in HB64," he said. "While the fund still maintains a balance, given the expected availability of GRF funds at the end of the year, it is prudent to replenish the fund to provide for unbudgeted and unexpected circumstances."

Mr. Keen said the total GRF ending balance for FY 2016 is projected to be \$469.7 million, which is \$296 million above the 0.5% statutory target for cash flow carryover funds.

"This additional cushion in the ending balance is a prudent hedge against unforeseen developments on either the revenue or spending side of the budget, and is the result of conservative budgeting advocated by Governor Kasich and adopted by the General Assembly," he said.

Per usual, the OBM director cautioned the legislature against advancing spending bills or tax cuts that substantially impact revenues moving forward. He cited uncertainties heading into FY 2017 that have been exacerbated by underperformance in the state's largest revenue source, the personal income tax.

"After the close of FY 2016, OBM will revise FY 2017 revenue projections based on actual FY 2016 results and the most recent information about the course of the economy, both nationally and in Ohio," he said. "The income tax shortfall likely will lead OBM to be somewhat more cautious about FY 2017 than we had been. The fact that economic growth has been somewhat weaker than expected a year ago will also lead to caution in our revisions."

Mr. Keen said in an interview it remains to be seen how much of that \$300 million year-end cushion will actually materialize since it depends on the actions of the GOP-led General Assembly, which is currently pushing several bills to cut taxes, and other factors.

The revised FY 2017 revenue outlook from OBM will come at some point in July, he said.

Committee Eyes Wednesday Vote On Natural Resources MBR Bill Despite Opposition

Chairman Sen. Bill Coley delayed a planned committee vote Tuesday morning on the administration's mid-biennium review bill to streamline law enforcement within the Department of Natural Resources.

The Senate Government Oversight & Reform Committee had planned to adopt four amendments and vote on the measure (SB 293) until opponent testimony from the Fraternal Order of Police temporarily halted the process during the bill's third hearing.

FOP Director of Public Affairs Michael Weinman described of a lack of communication between ODNR and the FOP. He said the group was not made aware of the bill until after it was introduced and that the provisions - which would merge the Division of Parks and the Division of Watercraft - could set the stage for further reductions of law enforcement staffing.

Hearing that, Sen. Larry Obhof (R-Medina) requested the chair postpone the vote to allow the FOP and the administration time to meet. Sen. Frank LaRose (R-Copley) also voiced support for more time.

"Overall, it's a great bill," Sen. Obhof said. "We should fully expect to move this next Tuesday or Wednesday. In the meantime, give anyone with concerns about it a couple days."

Hearing the testimony and sensing potential opposition to an amendment from Sen. LaRose, Sen. Coley (R-Liberty Twp.) said he would postpone the vote until Wednesday.

"We want to make sure (the FOP and the administration) talk, that they've got time to swallow this and see what's going on," Sen. Coley said in an interview. "I don't think there's going to be a problem with the bill or language of the bill... so it gives FOP a chance to see what's going on and express any concerns and it gives all my committee members a chance to look at the amendments."

The amendments discussed Tuesday - and now expected to be adopted Wednesday - would:

- Remove language dissolving certain committees and councils. Those would instead continue to be evaluated through the Sunset Review process.
- Increase the timeline by which a watercraft transferred to a new owner must be issued a certificate of title from the current 45 days to 60 days.
- Make minor language corrections at the request of ODNR.

A fourth amendment, which drew concern from Sen. LaRose, would require the chief of the Division of Forestry to administer the state recreational vehicle fund. Sen. LaRose, who said he's worked on the issue in the past, requested the amendment be considered next week to give more time for review.

"This may be a laudable amendment," Sen. LaRose said. "I may not be understanding exactly what the motive exactly is behind this amendment right now."

But it was Mr. Weinman's concerns that derailed Tuesday's vote when he said the bill could be used as a "shell game" to give the impression there are more park law enforcement officers than there actually are by combining watercraft officers with park officers.

Three park officers are currently assigned to three state parks, he said, in a state that once had three officers assigned to each park. And cuts to local government funding have left local departments resistant or unable to facilitate mutual aid agreements with state parks, he said.

"The FOP believes these staffing issues will only be exacerbated by SB293," Mr. Weinman said. "The reality in SB293 is that the former watercraft officers will take on a more reactive law enforcement role on land as opposed to their current blend of law enforcement and boating safety officer on the water."

Sen. Coley said he was skeptical of that view. He said the bill doesn't make any cuts to law enforcement staffing.

Mr. Weinman agreed the bill makes no overt cuts. "But I don't know what the administration has planned for those officers," he said. "As the watercraft officers are going to take more of a role on land, we don't know how

that's going to work."

Mr. Weinman questioned what would happen if all the officers were occupied responding to a land event when a water event occurred. He said the FOP might feel more agreeable toward the bill were it to include a provision requiring a designated water officer.

Responding to a question from Sen. Michael Skindell (D-Lakewood), FOP General Counsel Douglas Behringer said all state officers are represented by the same collective bargaining agreement.

In other testimony, Little Miami Conservancy Executive Director Eric Partee said he opposes the bill because it would eliminate the Little Miami Conservancy Council. Were that provision removed, he said, the group would support the bill and its intent. Council member Rhett Rohrer agreed in written testimony.

The bill is one of a slew of bills developed by the administration in its multi-pronged approach to the mid-biennium review process this spring. Sponsors say the bill would reduce overhead and eliminate redundancies.

But opposition has thus far outweighed proponents. So far the ODNR, the United States Canoe Association and the U.S. Freshwater Boaters Alliance proponents have been the only proponents to testify. In contrast, nearly 20 opponents have testified during the bill's second and third hearings.

Sen Tom Patton (R-Strongsville) said he was recently struck by opposition from boaters at a meeting he was asked to attend. He encouraged the committee to engage in receiving more feedback on the bill.

"There's an old adage: If it ain't broke, don't fix it," Sen. Patton said. "I'll leave it at that."

House Panel Hears Conflicting Testimony On Lead Notification Timeline In MBR Bill

A Cincinnati water superintendent said stricter lead contamination notification requirements being pushed by the Kasich administration will be tough for local water systems to meet.

The testimony came Tuesday during the second hearing of the mid-biennium review bill (HB 512) before the House Energy & Natural Resources Committee.

It was there that nine groups, including school associations, the League of Women Voters and water systems, added their names to the growing list of proponents of the bill, which aims to revise the lead notification system following contaminations in Sebring and Flint, Mich.

But Jeff Swertfeger, a member of the Ohio Water Utility Council and superintendent of water quality and treatment for the Greater Cincinnati Water Works, expressed concerns with the bill.

Although praising the bill's intent and the idea of a shorter timeline, he said the two-day notification will be difficult for local water utilities to meet. "The limit should be set at 15 days, half the time period in the current lead and copper rule," he said.

"This bill does some very good things in that it will accelerate reporting timelines, will make system operators more aware of lead sources, and will provide monetary support for lead abatement efforts in the water sector," he said. "The purpose of my testimony is to inform the committee of the challenges water utilities are facing in protecting consumers from lead contamination and to offer suggestions to make the provisions of the bill more workable."

Chairman Rep. Al Landis (R-Dover) questioned whether the group had talked with the Ohio Environmental Protection Agency about addressing the concerns during the rulemaking process. Mr. Swertfeger said the discussion had not yet occurred.

OEPA Director Craig Butler, who returned to speak before the committee after his sponsor testimony last week, said the agency is willing to talk to Mr. Swertfeger about his concerns. But he indicated the administration isn't

likely to budge on the two-day notification.

"We fundamentally, I think, have a disagreement about how long it takes for a water system to report back to an individual," Mr. Butler said. "I think it is well within the capability technically of a water system."

During the bill's first hearing last week, lawmakers floated the idea of using social media, email and other technology to meet the notification guidelines. Rep. David Hall (R-Millersburg) questioned Mr. Swertfeger on that option.

The witness said technology would be helpful for a large scale notification, but said it would do little to ease the administrative burden.

"Email is certainly being used for notification, but that's not necessarily the constraining factor," Mr. Swertfeger said. "It's the tracking, making sure things get done within deadlines, the four or five types of reporting we have to do, following up to make sure reporting was done."

Rep. Stephanie Howse (D-Cleveland) suggested the OEPA put together a how to guide or toolkit to guide systems in developing a communication strategy in a two day time period.

Among Mr. Swertfeger's other recommendations for the bill:

- Allow local water utilities the flexibility to select corrosion control programs
- Limit corrosion control treatment studies to be required only when changes are made that might affect the corrosivity of the water
- Require the OEPA to develop "health-based acute and chronic exposure limits" for lead in drinking water based on peer reviewed scientific research
- Provide grants to remove lead service lines
- Authorize seed money for utilities to establish a loan program
- Install state tax incentives for lead service line removal
- Require the disclosure of lead service lines upon property transfer or rental agreement

Other witnesses Tuesday expressed strong support for the measure, which also allots \$2 million to schools for lead testing and related drinking water improvements.

Granville Exempted Village Schools Superintendent Jeff Brown said his district initiated water testing in each of the district's buildings in March. The following month, the district learned it had elevated levels of lead in its drinking foundations due to its fixtures.

Replacing half the district's drinking fountains, some of which date back to the 1980s, will cost an estimated \$50,000, he said, although that cost could rise as the work continues.

"We are in the process of changing fixtures, replacing units, and placing filters in every drinking fountain," he said. "House Bill 512 could provide assistance to other schools like Granville that are being proactive."

Ohio Water Development Authority Executive Director Steve Grossman, which has agreed to work with OEPA to make the school funding available said the authority's board approved the \$2 million last week.

"The authority is both eager and excited to provide the funding per the bill's passage as we believe strongly in the positive effects this legislation will have on the students and school districts in Ohio," he said. "Before the

real work can begin in the local communities and schools, it is imperative that this legislation receives quick and immediate passage by the General Assembly."

Others speaking or submitting written testimony in support of the measure were: WSOS Community Action, the Ohio Facilities Construction Commission, the Ohio Association of Independent Schools, the City of Lima, and the Avon Lake Regional Water System.

Insurance Industry Pushes For Changes To Prior Authorization Bill Backed By Health Providers

While health providers on Tuesday continued to laud legislation that they say would lead to more efficient care by streamlining the prior authorization process, the insurance industry raised ongoing concerns about the practicality of the proposed policies.

The measure ([SB 129](#)), which would set a five-day timeline for insurance companies to respond to prior authorization requests and requires the creation of a web-based system through which materials could be submitted, has gained the support of more than 70 health organizations.

Leading the coalition, the Ohio State Medical Association is supportive of the changes because the current prior authorization structure "can cause a significant administrative burden on a physician's practice and...at times, it can even lead to a delay in the diagnosis and treatment of the patient's condition," the organization's government relations director Tim Maglione said.

Insurers, however, are leery of the legislation that saw a handful of changes in the Senate and is expected to receive more before advancing through the House Insurance Committee. (See [Gongwer Ohio Report, February 9, 2016](#))

The Ohio Association of Health Plans argues that the five-day turnaround time for PAs is out of line with the federal standard of 15 days and the proposed appeals process for denials is duplicative of one that already exists.

The organization's CEO and President Miranda Motter said restrictions on retroactive denials for 60 days and calls for year-long PA approvals for certain drugs to treat chronic conditions are also problematic.

Most health plans permit extended prior authorization for drugs that meet clinical guidelines, but the current version of the measure could allow for those drugs to be expensive specialty ones or controlled substances, she said.

"These types of state mandates measures relative to prescription drugs limit the ability of health plans to utilize innovative solutions to prescription drug costs for Ohio's health care consumers," Ms. Motter said.

She suggested amended language on the aforementioned topics and explained to the committee that there is a desire to improve the PA process because it's part of the industry's and state's larger goals of making healthcare more affordable and effective.

"The core purpose of prior authorization is to ensure appropriateness of care based upon national clinical guidelines - of either a medical service or medication - and the existence of coverage for that care," Ms. Motter said.

The current prior authorization process is beneficial to patients looking to determine their medical costs, but can also cause significant angst, Cleveland Clinic surgeon Robert Lorenze said.

He shared with the committee stories of patients who were eager to undergo life-saving surgeries but prior authorization delayed them.

The process can be a long one in some cases and is time consuming, said Susan Milheim, senior director in Cleveland Clinic's Revenue Cycle Management department. Requiring web-based communications and installing a tighter timeline will ease those issues.

"This process is laborious and time consuming, requiring vast resources to make telephone calls, submit faxed clinical data and then numerous repeat calls checking on the status of the approval," she said. "The payers typically take 15 business days to authorize service - oftentimes resulting in patient anxiety and rescheduled services due to turnaround delays. And, over the past three years, we have seen increasing authorization requirements for more and more services."

Ms. Milheim said the Cleveland Clinic spends about \$10 million each year on man hours dedicated to PAs that require staff to send about 430 repeat faxes and make 7,500 repeat calls to insurance companies to check on authorization statuses.

The hospital system also spends about \$11 million on appeals for denials - 90% of which are eventually approved, she said.

"Senate Bill 129 will allow us to take advantage of common technology and electronically submit and receive reauthorizations - significantly reducing the manual work and costs," Ms. Milheim said. "In this day and age, we should not be beholden to faxes and telephone calls. The standard of 24- and 48-hour preauthorization turnaround will allow us to better support our patients and provide timely communication to them as to the approval of their care and their ability to proceed with it or not."

While OAHF contends that requiring responses to PA requests within five business days would be laborious and costly, proponents of the timeline say it's achievable.

Mr. Maglione pointed out that at least seven other states have shorter timeframe requirements for responses and the bill would not start the clock on the five days until the payer confirms that it has received all the necessary information from the provider.

However, the other states that have instituted quicker response times did not do so along with a handful of other changes to the PA system, Ms. Motter countered.

"While on its face it may not seem that difficult, when you think about all the pieces and parts - the web-based system and turn-around times - have to be thought of in concert," she said.

According to Committee on Affordable Quality Healthcare research, the transition will at least save insurance companies money, Mr. Maglione said. It costs an insurer about \$3.66 on average to manually process an authorization and just four cents on average to do so electronically.

Ms. Motter said companies are supportive of moving to a web-based system to reduce complications and errors in the process, but there could still be some additional costs that haven't been factored in.

Chairwoman Rep. Barbara Sears (R-Maumee) asked interested parties, who have been meeting for more than a year to hash out the bill's details, to submit proposed amendments over the next few weeks. She said she "this bill will not have any moss growing under it" and it will be brought up for a vote.

House Medical Marijuana Chair Expects Substitute Bill Wednesday, Vote Next Week

The House committee examining a bill to legalize medical marijuana is expected to advance the bill to the full chamber for a vote next week, the panel's chairman said at a hearing Tuesday.

The House Select Committee on Medical Marijuana will consider a substitute bill Wednesday, and Chairman Rep. Kirk Schuring (R-Canton) said he hopes to have the committee vote the bill (HB 523) out Thursday.

If the committee needs more time to consider the bill, he said he would plan for a special hearing Monday, with the goal of it being on the House floor next Tuesday.

"Everything that we've been doing is based upon the testimony that we've heard in this committee, the testimony that we've heard in task force meetings and a cooperative and collaborative effort with all interested parties,"

Rep. Schuring said.

"We're hopeful that the substitute bill will answer many of the questions and concerns that we've heard in the committee hearings," he added.

Rep. Steve Huffman (R-Tipp City), the bill's sponsor, said after the meeting that the substitute bill addresses some "minor tweaks" dealing with protecting caregivers from prosecution and other issues that have come up during the hearings. He said some larger issues, such as whether smokable marijuana would be allowed, are still being debated.

At Tuesday's hearing, Maria Bruno, policy manager with the ACLU of Ohio, testified that the proposal is not a complete solution but is a step in the right direction.

"It appears the purpose of this law is to give patients with chronic and severe conditions access to medicine substantially less harmful and addictive than opiate painkillers," she said.

The legislature needs to include provisions to make marijuana accessible for those who need it, she said. The ACLU suggested increasing doctor autonomy, eliminating any restrictions on conditions that can be treated with marijuana. They also suggested allowing smokable and homegrown cannabis.

Ms. Bruno also said the state needs to address how legal medical marijuana would affect future prosecutions for marijuana offenses. The ACLU also suggested eliminating tracking of patients and doctors.

"Due to state and federal regulations as well as the stigma that surrounds marijuana use, we would ask this committee to avoid gratuitous tracking mechanisms," she said. "While tracking may provide peace of mind to some, it also infringes on the privacy of patients and doctors, and potentially puts both at risk of targeted prosecution or intimidation."

Ms. Bruno also said legalizing only medical use of marijuana would cause marijuana and other drug crimes to continue to dominate the criminal justice system.

"If you believe that the free market is a valuable component of society, then we should let the free market decide for marijuana as it does for cigarettes, alcohol and over-the-counter medications," she said.

Robert Cornwell, executive director of the Buckeye State Sheriffs' Association, said the organization is neutral on the bill if lawmakers put more local law enforcement representation on the Medical Marijuana Control Commission, protect sheriffs from being forced to provide medical marijuana in jails and exclude smokable and edible marijuana products.

"If the Surgeon General of the United States has deemed smoking harmful to your health for over 50 years how can a smokable product be healthy?" he said. "In addition, the enforcement of any provision for smoking would be an enforcement nightmare."

Mr. Cornwell also made two suggestions, including requiring marijuana production to be overseen by an academic medical institution and barring marijuana producers from marketing to doctors in the way other drug manufacturers do.

"We have all seen the devastating impact the state is facing from opioid manufacturers marketing opioid products as safe products to physicians," he said. "It would behoove the state not to fall back into that nasty pattern."

Tony Seegers, director of state policy for the Ohio Farm Bureau Federation, suggested the committee add someone from the agriculture industry to the Medical Marijuana Control Commission.

"Because the Commission is tasked with establishing rules regarding the licensure of cultivators and the number of licenses issued, a representative of the agriculture industry as a member of the Commission will provide the

input and experience such decisions require," he said.

Agency Chiefs Say Medicaid Behavioral Health Redesign Should Help In Care Of Multi-System Youth

Changes to how Medicaid pays for behavioral health services could help alleviate some problems faced by children served by multiple systems, two state agency directors told a legislative panel Tuesday, but lawmakers expressed concerns that the state could do more to help families in crisis.

Medicaid's behavioral health redesign process, set for rollout next year, would change the way the program pays for behavioral health services and shift some children from fee-for-service to managed care plans, Department of Medicaid Director John McCarthy told the Joint Legislative Committee on Multi-System Youth.

Rep. Janine Boyd (D-Cleveland Hts.) said she is concerned about the changes in rates for certain services. Cuts to what Medicaid pays for some services will force families to go elsewhere, putting more strain on other systems.

"I'm very concerned about some of these proposals and how they will affect families that testified before us and the ones that we don't even know exist," she said.

Director McCarthy said the rate-setting process as part of the redesign is different from how the department has set rates before. In the past, the department said what the rates would be in the beginning and they seldom changed during the process of working with providers. For this process, he said, ODM started with mostly lower rates and has revised them up based on feedback from providers.

The rates have also changed as the department tries to pay for each specific service, instead of paying more than needed for one, which providers use to subsidize other services, he said.

"The reason we're doing this is to better understand what we're buying, and so we can pay more accurately," he said.

Director McCarthy said he hopes the redesign can add coverage for some services, such as autism-related services in the Medicaid in Schools Program, and adding respite and peer support for families dealing with behavioral health issues.

"That is a need that is not being paid for right now," he said.

Sen. Peggy Lehner (R-Kettering) said parents have struggled to afford expensive out-of-state residential treatment facilities because Ohio lacks places that will accept particularly violent youths. She said the state should do more to help these families and children get needed care.

"Has there been any discussion as to how we address that problem and how we will in the future?" she asked.

Director McCarthy said one of the difficulties with paying for these services is that the state has to walk a fine line between helping families obtain these services and putting too many children in institutions. The goal, he said, is to keep children at home whenever possible.

"Do you fall into the trap of kids ending up in institutions?" he said. "Those are the balances."

The state always tries to find programs that will help within Ohio first, but has paid for children to go out-of-state.

Tracy Plouck, director of the Department of Mental Health and Addiction Services, outlined a number of the department's programs aimed at helping multi-system youth. These young people need a number of different services, and one way the state is working to make sure care is coordinated is through county Family and Children First Councils and the statewide cabinet council.

One of the main concerns the committee has heard is from families who were forced to relinquish custody of their child in order to obtain expensive residential treatment. Director Plouck said families are urged to work with local Family and Children First Councils to find ways to obtain care. The behavioral health redesign might also help families get respite and crisis services.

Sen. Cecil Thomas (D-Cincinnati) said many families are happy with the care the children receive in hospitals, but that care is only temporary, and they aren't easily able to adjust back to a home setting.

Director Plouck said the problem isn't necessarily that there aren't enough beds, but that there aren't enough services available to help patients transition back to home-based care.

"You're absolutely right in that connections have to be made in order to ensure that next level of care," she said.

Amendment Prohibits Safe Harbor From Impacting Ed Choice Eligibility

Despite safe harbor protections, the list of Ed Choice eligible schools could continue to grow under an amendment made to a measure that advanced through the House Education Committee on Tuesday.

Along party lines, members approved language that would require the state to take into account school report card grades for the 2014-15, 2015-16 and 2016-17 school years for purposes of determining which schools' students are eligible for Ed Choice vouchers.

The amendment that was offered by Rep. Tim Derickson (R-Oxford) was added to a measure (HB 481) to extend to this school year hold harmless provisions related to students who opt out of state tests. Members advanced the bill, with a handful of Democrats voting in opposition because of the modifications.

School Choice Ohio as well as groups representing religiously affiliated schools that accept the vouchers have spent the last year lobbying lawmakers to make an exception, arguing that becoming Ed Choice eligible should not be seen as a sanction. (See Gongwer Ohio Report, December 30, 2016)

Currently, safe harbor laws protect schools and teachers from consequences attached to report card scores between 2015-17 years as they become accustomed to changes in testing and more rigorous standards.

Because of that, the voucher program - which students become eligible for if their schools receive failing grades for three consecutive years - would not expand until the 2020-21 school year.

Although Chairman Rep. Andy Brenner (R-Powell) originally understood the purpose of the amendment was to ensure the Ed Choice program would continue serving the current number of students, but maintained support after hearing an analysis from the Legislative Service Commission.

Pointing to atypically low performance cut scores approved by the State Board of Education to accommodate for the transition to new tests, he said that schools receiving failing grades have significantly low achievement levels.

"If we've got failures that are in the D range or F range, I think that many of these students need to have the ability go to a school of their choice where they believe it is in their best interest and their family's best interest," the chairman said. "I think that that needs to continue onward because it's not fair to the students to have to be in one particular school system if...we're going to set the cut scores at 15% to be college and career ready."

Rep. Teresa Fedor (D-Toledo), meanwhile, slammed the new language, calling it "the most wrong amendment I've ever seen."

It would be "disingenuous," she said, to add schools to the Ed Choice list based on test scores that the state has determined aren't reliable.

"So we're acting like these schools that aren't failing are literally failing? It's our system of testing that has failed," Rep. Fedor said.

Members also accepted an amendment that removes the emergency clause and a provision regarding mandatory withdrawal of e-school students who don't take state assessments for two consecutive years.

The committee along party lines tabled an amendment from Rep. Fedor that would extend safe harbor for state report card grades related to students opting out of state tests during the 2016-17 school year as well.

Chair Envisions Quick Committee Approval Of Faber Public Records Bill

The chair of the Senate Government Oversight & Reform Committee is eyeing quick passage for a bill to streamline the public records resolution process.

Sen. Bill Coley (R-Liberty Twp.) said he's on board with the bill (SB 321) unveiled by Senate President Keith Faber (R-Celina) last week. The bill would create a low-cost mediation route through the Court of Claims for public records seekers whose requests have been denied.

"I think generally we want to move that bill kind of quick," Sen. Bill Coley (R-Liberty Twp.) said in an interview. "As the president indicated, it really isn't a bad idea to kind of revisit how we handle those issues in the state and to create, through the Court of Claims, a consistent body and way to do that."

In sponsor testimony during an informal first hearing Tuesday, Sen. Faber said the measure will restore balance to the process in which members of the public are currently forced to pursue an expensive legal case before the Ohio Supreme Court to contest record denials.

Sen. Faber, Auditor Dave Yost and the Ohio Newspaper Association touted the measure during a Statehouse press conference last week. (See Gongwer Ohio Report, April 27, 2016)

Sen. Faber echoed those sentiments in his testimony Tuesday.

"This is about open government and instilling fairness and confidence in a process that is often out of sight and out of mind until someone really needs to put government to the test," Sen. Faber said. "If government is more open, accountable and accessible to our citizens, I believe that they will consequently have more faith in it as well."

Sen. Michael Skindell (D-Lakewood) expressed openness to the idea.

"I'm looking forward to looking at the legislation, but I commend you on the creative attempt to address this issue," Sen. Skindell told the sponsor.

Sen. Faber replied that it was only natural to equip the judicial branch with a tool to resolve such disputes.

"Why we had various executive attempts to try to resolve disputes didn't make a lot of sense anyway," Sen. Faber replied. "So I said, let's go to the body of our government that's designed to resolve disputes and if time is a factor, if cost is a factor, let's find an expedited way to do it."

Sen. Coley likewise welcomed the measure, saying the proposal would create a uniform system and prevent potential uneven legal interpretations by various county judges.

"I think it's nice in the sense everyone will know and we'll have a common set of rules that will make it a really easy, cost effective way for anybody who feels they haven't gotten records to - boom - go and get a prompt response and also better response that is consistent across the state," Sen. Coley said.

High Court Finds Exchange Of Emails, Other Forms Of Communication Can Violate Open Meeting Laws

A private and prearranged discussion of public business by a majority of a public body through email violates the state's open meeting laws, the Ohio Supreme Court ruled Tuesday.

In a 5-2 decision that reversed two lower court rulings, the court found that four of five members of the Olentangy Local School District's Board of Education violated the law by conducting discussions through email about a letter to the editor published in the *Columbus Dispatch*.

"Nothing in the plain language of R.C. 121.22(B)(2) expressly mandates that a 'meeting' occur face to face. To the contrary, it provides that any prearranged discussion can qualify as a meeting," Justice Terrence O'Donnell wrote in the majority opinion.

"Accordingly, R.C. 121.22 prohibits any private prearranged discussion of public business by a majority of the members of a public body regardless of whether the discussion occurs face to face, telephonically, by video conference, or electronically by e-mail, text, tweet, or other form of communication."

The case began after the district implemented a new policy under which board members were required to communicate with staff only through the superintendent or treasurer - and not other staff members - following an independent investigation into expenditures by two athletic directors conducted by board member Adam White, the court reported.

The policy change was criticized in a *Dispatch* editorial, which led to a string of emails between the other four members about a response.

About six months after the letter to the editor was published, on the same day Mr. White informed his colleagues that he had filed a lawsuit over the matter, the board voted 4-1 to publicly ratify the response.

Both the trial court and the Fifth District Court of Appeals dismissed the case because the legislature had not explicitly included email communication in the state's open meetings laws.

However, the high court found that the law does not mandate that a "meeting" occur face-to-face.

"As demonstrated in this case, serial e-mail communications by a majority of board members regarding a response to public criticism of the board may constitute a private, prearranged discussion of public business in violation of R.C. 121.22 if they meet the requirements of the statute," Justice O'Donnell wrote.

Justices Paul Pfeifer, Sharon Kennedy, Judith French, and Bill O'Neill joined in the majority opinion.

Auditor Dave Yost applauded the decision.

"The internet has made everything from shopping and dating more convenient, but circumventing the public's right to know isn't one of them," he said in a statement. "The court's decision is a warning to any politician who tries to use chicanery to conduct the people's business in the darkness: There shall be light."

In a dissenting opinion joined by Chief Justice Maureen O'Connor, Justice Judith Ann Lanzinger called the majority's decision a "judicial rewrite of what is commonly known as Ohio's Sunshine Law or Open Meetings Act."

"While it may be a good idea to limit the use of e-mail to avoid statutorily required public meetings, that is the task of the General Assembly and not this court," she wrote.

"But a majority of this court should not add language that has not been fully considered by the public's legislative representatives," she added. "The unintended consequences of broadening the word 'meeting' beyond its current definition could affect adversely how members of public bodies do their business."

House Panel Advances Measure Democrats Describe As 'Senate Bill 5-Light'; Floor Vote Planned Wednesday

House Democratic leaders on Tuesday railed against a measure they say stifles local decision-making but Republicans defended as prudent way to save costs on publicly-funded projects.

The measure (SB 152) bans local governments from enacting hiring quotas for public projects. Before clearing the House State Government Committee, the bill was amended to restrict project labor agreements for construction funded with state dollars. It was set for a floor vote on Wednesday.

The amendment, introduced by Rep. Ron Hood (R-Ashville), would prohibit local governments from requiring either union or non-union PLAs in public work projects funded by the state.

"If you are using state dollars, the project should go to the lowest responsible bidder," he said.

Rep. Martin Sweeney (D-Cleveland) asked for the amendment to be tabled. "Home rule is in question in regard to this particular topic," he said.

Nevertheless, it was adopted on a 9-3 party-line vote.

Following the committee vote, House Democratic leaders called on the bill to either be defeated on the House floor, in the concurrence vote in the Senate or vetoed by Governor John Kasich.

"It handcuffs local decision making and sends good paying Ohio jobs out of state," House Minority Leader Fred Strahorn (D-Dayton) said at a Statehouse news conference.

He said PLAs are an important tool that helps to ensure fair wages are paid for quality work that is done on time and on budget.

"We just don't think it's our place to dictate to a local community," he said. "It is one of those solutions in search of a problem."

Assistant Minority Leader Nick Celebrezze (D-Parma) noted that in 2002, the Ohio Supreme Court struck down state laws prohibiting a public entity from requiring project labor agreements for local projects.

He predicted the bill would make its way to the state's high court. "This is yet another attack against working people," he said.

Rep. Emilia Sykes, a Democrat who represents the city of Akron, which has a local hiring quota of 30% for a \$1.4 billion sewer system project, said the measure will impact local governments across the state.

"There is no reason why local people should be excluded from activities happening right in their own backyards," she said.

The bill is expected to be on the House floor Wednesday, according to Democrats.

If it is approved, Minority Leader Strahorn predicted backlash, saying he hopes for a referendum on the measure.

"I personally believe there ought to be a consequence to it," he said. "This is Senate Bill 5-light type of legislation."

Governor's Appointments

Great Lakes Protection Fund Board: Richard C. Hylant of Ottawa Hills for a term beginning May 3, 2016 and ending October 10, 2017.

State Board of Education, District 8: Nancy P. Hollister, former governor, lieutenant governor and state representative, of Marietta, will assume the seat on May 3, 2016, and must run in November 2016 to retain the

seat for the unexpired term ending December 31, 2018. Ms. Hollister is replacing Dr. Robert E. McDonald Jr., who resigned.

Attorney General's Opinion

No. 2016-015: Requested by State Chiropractic Board Executive Director Kelly A. Caudill.

SYLLABUS:

1. The State Chiropractic Board may determine that the practice of dry needling by a licensed chiropractor constitutes "acupuncture," as defined in R.C. 4734.28(A).
2. Upon a determination that the practice of dry needling by a licensed chiropractor constitutes "acupuncture," as that term is defined in R.C. 4734.28(A), the State Chiropractic Board shall permit a licensed chiropractor to practice dry needling, so long as the chiropractor holds a valid certificate to practice as an acupuncturist issued by the State Medical Board, is a physician as defined in R.C. 4762.01(H), performs acupuncture as part of a training program that satisfies both of the conditions of R.C. 4762.02(D)(1), holds a valid certificate to practice as an oriental medicine practitioner, or holds a certificate to practice acupuncture issued by the State Chiropractic Board.

Supplemental Event Planner


Wednesday, May 4

Rep. John Rogers (D-Mentor-on-the-Lake) and Rep. Denise Driehaus (D-Cincinnati) news conference on plan to rebuild Ohio infrastructure, Harding Senate Press Rm., Statehouse, Columbus, 10 a.m.

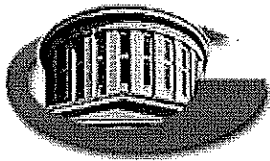
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Senate Activity for Tuesday, May 3, 2016

INTRODUCED

SB NURSE RATIOS (Skindell, M.) To establish minimum ratios of direct-care registered nurses to patients in **324** hospitals, to specify rights of registered nurses working in hospitals, and to prohibit retaliatory actions by hospitals against registered nurses. Am. 3727.50, 3727.51, 3727.52, and 3727.53 and to enact sections 3727.70 to 3727.78

SB RENEWABLE ENERGY (Jordan, K.) To repeal the requirement that electric distribution utilities and **325** electric services companies provide 12.5% of their retail power supplies from qualifying renewable energy resources by 2027, to repeal energy efficiency and peak demand reduction requirements for electric distribution utilities, and to modify the topics included in the Energy Mandates Study Committee report. Am. 717.25, 4905.31, 4928.01, 4928.02, 4928.142, 4928.143, 4928.20, 4928.61, 4928.62, 5501.311, and 5727.75, to enact new section 4928.64, and to repeal sections 1710.061, 4928.64, 4928.643, 4928.644, 4928.645, 4928.65, 4928.66, 4928.662, 4928.6610, 4928.6611, 4928.6612, 4928.6613, 4928.6614, 4928.6615, and 4928.6616 of the Revised Code; and to amend Sections 3 and 4 and to repeal Sections 5, 6, 7, 8, 9, 10, and 11 of Sub. S.B. 310 of the 130th General Assembly

COMMITTEE HEARINGS

State & Local Government

HB CORONER LAW (Huffman, S., Johnson, T.) To recognize that coroners include medical examiners; to **240** change the qualifications for holding office as a coroner of a charter county; to require, under certain conditions, and to authorize, under other conditions, supplemental compensation for coroners who are forensic pathologists; to revise how the office of coroner is filled when a vacancy cannot be filled by election or appointment; to specify the disposition of a firearm when a person meets death under certain circumstances; to specify who pays for the autopsy of an inmate of a state correctional facility; and to make other changes to the coroners' law. (**REPORTED-No testimony**; 3rd Hearing-All testimony-Possible amendments & vote)

HB RETIREMENT SYSTEMS (Schuring, K.) To include new nonteaching employees of The University of **305** Akron as members in the Public Employees Retirement System and to make an appropriation for the University's School Employees Retirement System employer surcharge payments. (**CONTINUED**; 3rd Hearing-All testimony-Possible amendments & vote)

Rep. Schuring appeared before the panel to detail a conceptual amendment that could come before the committee at its next hearing.

The change would make sure benefits intended for the families of fallen law enforcement officers are available, he said, adding that a recent change in law may have limited survivors' access to the benefits. The amendment would make benefits available to those who qualify based on the effective date of the amendment.

HB TOWNSHIP LAW (Brinkman, T.) To add to the purposes for which a board of township trustees may go **413** into executive session, to permit a township to charge for recycling services, to reduce the population threshold for a township to adopt a limited home rule form of government, to authorize a township to purchase, lease, or provide underwater rescue and recovery equipment for fire and rescue purposes, to

authorize boards of township trustees to pay for group life insurance for any employee, to make other changes to the township laws, to allow taxing units to use the proceeds of a fire, police, or emergency services tax levy to pay costs related to the service for which the tax is levied, and to expand the public infrastructure improvements townships, municipal corporations, and counties may pay for using money from their public improvement tax increment equivalent funds. (CONTINUED; 1st Hearing-Sponsor)

Rep. Brinkman said his "township omnibus" bill addresses a series of changes in township laws. "This bill is meant to be as uncontroversial as possible, and I'm hoping this committee will consider only those changes that continue to make this bill passable," he said.

Among the changes is language that:

- Updates open meeting laws to reflect changes to the disposition of property law;
- Reduces to 2,500 the minimum population for townships that can adopt limited home rule;
- Allows townships to charge for recycling waste services;
- Lets municipalities treat refuse collection charges the same as other property taxes;
- Expands township ability to generate funds to guard against fires and protect citizens;
- Allows a township fire department to have a dive team for search and rescue purposes;
- Increase township ability to levy a tax to provide police services;
- Permits townships to pay for life insurance for part-time employees;
- Allows the use of TIF funds to for maintaining roads, sewer and water lines;
- Allows township trustees to also care for mausoleums, and;
- Removes language allowing townships to maintain watering places for procuring water for people and animals on public highways in townships.

Sen. Hackett said TIF funds are generally used for infrastructure needs to draw businesses, and questioned allowing the use for maintenance.

Mr. Brinkman responded that many sewer and water lines were constructed with TIF funds, and said it makes sense to allow that money to also be used for their maintenance.

Sen. Brown questioned whether the changes under the bill are prohibited by law, or if the bill largely clarifies township authority.

"It's a little of both," Mr. Brinkman said.

SB REAL PROPERTY (Seitz, B., Skindell, M.) To create a presumption of validity of recorded real property **257** instruments, reduce the time period for curing certain defects related to those instruments, and provide constructive notice for those instruments. (REPORTED-SUBSTITUTE; 4th Hearing-All testimony-Possible amendments & vote)

Sen. Seitz gained support for the substitute that he said clarifies that the law doesn't impact the dormant minerals act and related leases. The change, he said, was sought by the Ohio Oil & Gas Association.

SB AWARENESS DAY (Jones, S.) To designate May 1 as "Fanconi Anemia Awareness Day."
312 (CONTINUED; 1st Hearing-Sponsor)

The bill would increase awareness of the inherited genetic disease that causes bone marrow failure and can also lead to organ defects and an increased risk of some cancers, Sen. Jones said in sponsor testimony. Symptoms can include extreme fatigue, regular infections, nosebleeds and easy bruising. She said 31 American children are diagnosed with the disease each year.

Sen. Jones said the issue was brought to her attention by a young girl, Sam, who was diagnosed with FA when she was six years old.

"You can imagine that with such a rare disease, there is little known and few resources available to families dealing with this diagnosis," she said. "Sam wished to change that and enthusiastically told me about her upcoming fundraiser at her grandfather's home in Florida."

Sen. Jones said Sam passed away at age 11, but added that her legacy lives on in her family as they continue efforts to raise awareness of the disease and build support for families in similar situations.

Finance

SB LOCAL GOVERNMENT FUND (Tavares, C.) To increase monthly allocations to the Local Government **22** Fund from 1.66% to 3.68% of the total tax revenue credited to the GRF each month. (CONTINUED; 1st Hearing-Sponsor)

Sen. Tavares said her bill would increase monthly allocations to the LGF in an effort to help local communities recover from cuts made in recent years.

She said the move would assist communities still hurting from the 2011 budget, in which allocations to the LGF were cut by 50% or by \$411.2 million. She described that cut as "devastating."

"The tough choice to cut the LGF was made in a time of fiscal hardship and that time has passed," she said. "Now the General Assembly must commit itself to restoring the financial partnership between state and local governments so that local governments may continue to provide much needed direct services at the level Ohioans expect and deserve."

The cuts have prompted schools and other governmental units to rely more on levies and other funding sources, she said.

"By increasing the GRF monthly allocations to the LGF from 1.66% to 3.68%, we would essentially be funding the LGF at pre-recession standards," Sen. Tavares said. "We often hear bragging about how Ohio has \$2 billion surplus; that 2 billion has come off of the backs of local governments and shifted the reserves from the local communities to the state."

SB SUMMER MEAL PROGRAM (Brown, E., Lehner, P.) To require school districts to allow alternative **247** summer meal sponsors to use school facilities to provide food service for summer intervention services under certain conditions. (CONTINUED; 1st Hearing-Sponsor)

Sen. Brown said her bill would require schools to be available as summer feeding sites in areas in which 50% or more of local children qualify for those programs.

"By taking advantage of these conveniently accessible locations, we can open up new opportunities for food programs to meet the needs of the children who depend on them during the school year and over the summer," she said.

The bill would allow schools to provide food services or partner with local governments, faith-based providers or nonprofits to meet that need. It would also eliminate a current law forbidding children from eating on a school bus.

"This revision would permit school districts to use a stationary school bus as a place where children can consume their meals," Sen. Brown said. "Once one group of children has finished their meals and exited the bus,

it could be moved to another location, creating a mobile feeding site to help meet the unique nutritional needs in each neighborhood."

SB FINANCIAL LITERACY (Seitz, B.) To require the Chancellor of Higher Education to create the **274** SmartOhio Financial Literacy Pilot Program at the University of Cincinnati to operate for the 2016-2017 school year and to make an appropriation. (CONTINUED; 2nd Hearing-Proponent)

Julie Heath, director of the University of Cincinnati Economics Center and author of the SmartOhio program, said that Ohio students' financial literacy is sorely lacking. She said the SmartOhio program as authorized by the bill would impact more than 65,000 students over five years at a cost of \$4.89 a student.

The bill would provide \$318,000 to train 500 elementary school teachers who would work with about 13,000 students a year.

"With a small per student investment, we can give a child a skill that can last a lifetime - the ability to make good choices - a skill that is good for the individual and the state as a whole," she said.

Responding to Sen. Tavares, Ms. Heath said the program - because it teaches how to make good financial decisions - will benefit students in families of all income levels.

Submitting written proponent testimony were Wyoming City Schools Superintendent Susan Lang, Tennessee State Senate Majority Leader Mark Norris, and Ohio State University extension educator Kathy Micheli. The committee also received several letters in support from teachers and students who have participated in the program.

SB COMMUNITY SCHOOL CONTRACTS (Schiavoni, J.) Regarding community school operator contracts **298** and the operation of Internet- and computer-based community schools. (CONTINUED; 2nd Hearing-Proponent)

Representatives of public school associations and others expressed support for the bill, which would strengthen attendance reporting requirements for online charter schools.

Ohio Federation of Teachers Legislative Director Darold Johnson said the legislation will show "is the legislature going to work in the best interests of children or for adults?"

"I hope you will protect the interests of the 40,000 students attending online schools as well as the 11 million citizens who want you to be good stewards of their tax dollars," Mr. Johnson said.

Buckeye Association of School Administrators Director of Governmental Relations Thomas Ash agreed the bill is needed.

"Mr. Chairman, we are not here to present an indictment against all e-schools," Mr. Ash said. "Just as there are high performing community schools, there are e-schools that are diligently complying with honest reporting of student attendance as they seek to meet the needs of their students.

"However, for those e-schools that are not, it is more than just a matter of possible fraudulent receipt of tax dollars. It is instead a lost opportunity for a student's education."

Belpre City Schools Superintendent Tony Dunn said public schools are struggling to make up for tax dollars lost to charter schools. He estimates his district has lost \$1 million since 2002 from students who left for charter schools.

"To add insult to injury, it now appears the tax dollars taken from us have been going to charter schools that don't even track attendance, let alone make sure their students are receiving a quality education," he said.

Ohio Education Association President Becky Higgins said the bill follows the spirit of a previous bill to install more charter school accountability (HB 298).

"All in all, SB 298 reflects ongoing efforts to make sure all publicly funded education programs in Ohio have a fair, but rigorous, system of accountability and transparency that adequately protects students, parents and taxpayers," Ms. Higgins said. "The provisions in the bill aim to advance a flexible, modern approach to accountability and transparency."

Southside Academy Board of Directors President Bill Mullane said the bill would enhance the credibility of online schools.

"This bill is necessary to provide our constituents assurance that Ohio's e-schools are accountable to parents, students and taxpayers," Mr. Mullane said. "Before e-schools can meet their true potential to explore new pathways for students to attain an excellent education they must be able to ensure that their students get the support and the education they deserve."

Former Ohio Virtual Academy adviser Brianne Kramer spoke of her experience working for the school between November 2013 and November 2014. During the 2014-15 school year, she said the administration did not seem to be concerned about attendance or truancy.

"When I left in November 2014, there were 487 K-12th grade students who had not yet logged attendance hours, and only 89 of those students were currently in the truancy reporting system after 11 weeks of school," she said. "There were also 1,826 students who were missing 25 or more hours of attendance, and of those students, only 594 had begun the truancy process."

Former e-school student Elizabeth Stillgress testified in support, describing how her two children struggled after enrolling in ECOT. She said the pair failed fifth and seventh grades and that she was unable to reach an actual teacher or adviser to discuss their progress.

"Through this whole process, I have lost faith in the education system as a whole," Ms. Stillgress said. "They are failing our children. From my experience it clearly reflects that they more concerned about the bottom dollar, than educating our children."

Submitting written proponent testimony was Olmsted City School Board Vice President Terry Groden.

SB BANKING LAWS (Hughes, J., Coley, B.) For the purpose of enacting a new banking law for the State of 317 Ohio. (**CONTINUED**; 1st Hearing-Sponsor)

In joint testimony, Sens. Hughes and Coley said the bill would update several parts of banking code that are antiquated. Those provisions, they said, haven't been updated since the 1980 - long before electronic depositing and other technological advancements.

"This legislation, if enacted into law, would increase regulatory robustness within the state banking regulator, the Ohio Division of Financial Institutions, by condensing three chapters of the ORC into one and creating a new 'universal' charter that combines the strongest characteristics of the existing charters," the senators said in written testimony.

"This, combined with streamlined governing boards, would also decrease overhead costs of examinations and training."

Among the bill's provisions is language that would:

- Permit a person to make a deposit in his or her account with a depository institution lacking an Ohio branch via the internet

- Expand the definition of bank to include savings and loan associations and savings banks whose ownership structure is represented by shares of stock
- Add definitions and corporate governance to mutually-owned thrifts.
- Revise the supervision and governance of state banks and trusts

Subscribers Note: For full testimony, see the committee's website under May 3.

Education

HB CPR TRAINING (Grossman, C., Manning, N.) To require instruction in cardiopulmonary resuscitation and **113** the use of an automated external defibrillator as a requirement for high school graduation. (CONTINUED; 2nd Hearing-Proponent)

Gail Hogan, having survived sudden cardiac arrest, said she has worked with the American Heart Association for 25 years to advocate for CPR training.

People who experience cardiac arrest die in more than 90% of instances and that number could be significantly lowered if there were more people who were trained in resuscitation and confident in their abilities, she said.

"We need these students to learn CPR with hands on training so they will not feel intimidated or afraid to help someone suffering from cardiac arrest," Ms. Hogan said. "We need only 30 minutes to teach this life saving skill in schools."

Tony Lindeman, a volunteer with the association who survived after going into sudden cardiac arrest while running a marathon, also supported the measure.

"A person in cardiac arrest who receives immediate CPR has their chance to survive increased by 200-300% and 70% of Americans do not know, or are uncomfortable with, CPR," he said.

"The previous facts along with my story show the need for everyone to know CPR," Mr. Lindeman continued. "Cardiac arrest can happen to anyone, anywhere, and short of the AED shock, CPR is the best chance to survive. That's why thirty other states in our great country have decided the best way to make sure everyone learns CPR is through training students in school."

HB RELIGIOUS EXPRESSION (Hayes, B.) Regarding student religious expression. (CONTINUED; 2nd **425** Hearing-Proponent)

Larry Keough, associate director in education for the Catholic Conference of Ohio, said the organization's "belief in religious liberty is our fundamental basis of support" for the bill.

"Rep. Hayes's bill affords public school students with religious liberty by clarifying that they have the right of religious expression in the school houses and classrooms of our state," he said in prepared testimony. "Since protection of rights is an essential duty of government, it is appropriate for HB425 to be a means to clarify that citizen students have the rights of religious conscience."

Presentation: Straight A Fund Executive Director Susan Zelman detailed the grant program, touting the success of innovative projects that have received funding.

Calista H. Smith, president of C H Smith and Associates, which was hired to evaluate the effectiveness of grant projects over a three-year period, also provided insight into how the projects are progressing and which models have been the most successful.

Insurance

SB CORPORATE GOVERNANCE (Bacon, K.) To enact the Corporate Governance Annual Disclosure Act. **273** (CONTINUED (No testimony); 3rd Hearing-Opponent)

Government Oversight & Reform

HB DRUG ADDICTION TREATMENT (Green, D., O'Brien, S.) Regarding encouraging pregnant women **325** who are addicted to controlled substances to seek treatment. **(CONTINUED; 2nd Hearing-Proponent)**

Public Children Services Association of Ohio legislative director Mary Wachtel said child protective services reported more than 25% of its statewide caseload involve parents abusing heroin, cocaine or both.

She estimated that 70% of children less than one year old that are in custody are there due to a parent's drug use.

"We believe HB 325 can help break down a barrier to treatment for some pregnant women by assuring them that their baby will not be taken from them based solely on their use during pregnancy," Ms. Wachtel said. "This does not mean, however, that children services agencies will not be involved with these families."

She said that when a baby is found to be positive for drugs or withdrawal symptoms, a caseworker would still meet with the mother to assess the child's safety under the bill.

"Treatment works and we must continue to make every effort to make sure that pregnant women, and all parents, can access the treatment they need to overcome addiction and safely care for their children," Ms. Wachtel said.

SB NATURAL RESOURCES (Balderson, T.) To revise specified laws relating to natural resources. **293 (CONTINUED (See separate story); 3rd Hearing-All testimony-Possible amendments & vote)**

SB PUBLIC RECORDS (Faber, K.) To create a procedure within the Court of Claims to hear complaints **321** alleging a denial of access to public records and to modify the circumstances under which a person who files a mandamus action seeking the release of public records may be awarded court costs and attorney's fees. **(CONTINUED (See separate story); 1st Hearing-Sponsor-Pending referral-Informal hearing)**


Subscribers Note: For full testimony, see the [committee's website](#) under May 3.

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House Activity for Tuesday, May 3, 2016

INTRODUCED

HBOIL AND GAS REVENUE (Cera, J.) To limit the amount of revenue that may be credited to the Oil and Gas Well Fund and to allocate funds in excess of that amount to local governments and fire departments.

Am. 1509.02, 1509.071, 1509.11, and 5749.02 and to enact sections 321.50, 321.51, 321.52, 505.96, 1509.075, and 3737.15.

HBCLEAN POWER PLAN (Landis, A.) To prohibit any state agency from implementing the federal "Clean Power Plan." En. 3745.25.

HPOLLING PLACE HOURS (McColley, R.) To specify the conditions under which a court may order that a polling place be kept open for extended hours on the day of an election and to require a person who votes

pursuant to such an order to cast a provisional ballot. Am. 3501.17, 3501.28, 3501.32, 3505.18, 3505.181, 3505.182, and 3505.183 and to enact sections 2505.40 and 3501.321.

HBELECTION BOARDS (Ramos, D.) To specify the conditions under which a board of county commissioners may establish one or more branch offices of the board of elections for in-person absent voting. Am. 3501.10, 3503.16, 3509.02, 3509.03, 3509.05, 3511.02, and 3511.10.

HBHIGH SCHOOL EXAMS (Koehler, K., Landis, A.) To permit high school students to take a civics assessment instead of the American government end-of-course examination. Am. 3301.0712.

HB BENEFIT CORPORATIONS (Driehaus, D., Dever, J.) To allow a corporation to become a benefit corporation. Am. 1151.38, 1151.61, 1701.01, 1701.03, 1701.04, 1701.05, 1701.38, 1701.59, 1701.591, and 1701.94 and to enact section 1701.96.

HBSCHOOL PATROL VOLUNTEERS (DeVitis, T.) To authorize a board of education or governing authority of a school to enter into an agreement with a volunteer who is a current or retired law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to generally provide to a board of education or governing authority of a school and to such a volunteer immunity from civil liability for injury, death, or loss arising from the volunteer's services, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64.

HB NURSE ANESTHETISTS (Schuring, K.) Regarding the authority of certified registered nurse anesthetists to select, order, and administer drugs and to direct certain other persons to administer drugs or perform clinical support functions. Am. 4723.43, 4723.44, 4729.01, and 4761.17.

CALENDAR FOR COMING SESSION

HB TRUANCY (Rezabek, J., Hayes, B.) With regard to habitual and chronic truancy and compulsory school attendance.

HB AUTO TECHNICIANS (Antani, N., Reineke, B.) Regarding employers of automotive technicians and motor vehicle technicians participating in the Incumbent Workforce Training Voucher Program.

HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Rep. Cera, appoint Rep. Boggs

State Government Committee: Remove Rep. Kunze

COMMITTEE HEARINGS

Ways & Means

HB TAX EXEMPTION (Smith, R.) To specifically exempt digital advertising services from sales and use tax. (**REPORTED**; 2nd Hearing-All testimony)

The bill was reported unanimously following interested party testimony from Greg Saul, director of tax policy for the Ohio Society of CPAs. The Ohio Chamber of Commerce provided written testimony in support.

Rep. Amstutz said the bill could be improved with amendments, but given that May could be the last month the legislature is in Columbus for a while and the fast-tracked nature of the proposal, he urged the panel to back the report with an eye toward possibly making adjustments in the Senate.

Mr. Saul provided background on state tax policy in regard to electronic and computer services, as well as case law that has influenced interpretation of those laws. He suggested an amendment that would broaden the scope of the bill.

"House Bill 466 is narrowly focused on addressing the 'inventory advertising' issue under (electronic information services) by excluding 'digital advertising services,' he said. "Make no mistake, OSCPA strongly supports efforts to exempt digital advertising from state sales tax. However, we also strongly believe that this approach is too narrow."

Mr. Saul said the group's amendment would address the broader EIS and automatic data processing issues involved in the Department of Taxation's latest interpretations of what is considered taxable. "The amendment is similar to current law...addressing bundled service transactions, which was itself based on language in the Streamlined Sales Tax Act," he said.

"We want to make it clearer that taking a nontaxable service such as advertising or educational coursework and performing it via the web/Internet or cloud infrastructure does not render the otherwise nontaxable service taxable," Mr. Saul said. "By using the broader approach, the legislature does not have to go through the future exercise of amending the statute for every new service that comes up."

Dan Navin, the Ohio Chamber's assistant vice president for tax & economic policy, agreed in written testimony that there are broader issues at play with ODT's new interpretations that should be subject to further legislative deliberation while also expressing support for the bill at hand.

"We believe the recent information release impermissibly empowers (ODT) to tax an activity - advertising - that is the true object of a transaction in the context of an auto dealer posting ads on cars.com or traders.com. Therefore, since advertising is not an enumerated service taxable under the Ohio Revised Code, it should not be converted to a taxable service pursuant to the information release," he wrote.

HB TAX POLICY (Amstutz, R.) To require voter approval before a county may levy a new utilities services tax, to allow small businesses to count employees of related or affiliated entities towards satisfying the employment criteria of the business investment tax credit, to permit a bad debt refund for cigarette and tobacco product excise taxes paid when a purchaser fails to pay a dealer for the cigarettes or tobacco products and the unpaid amount is charged off as uncollectible by the dealer, and to allow vendors to receive

a refund of sales taxes remitted for bad debts on private label credit cards when the debt is charged off as uncollectible by the credit card lender. **(CONTINUED; 2nd Hearing-Proponent)**

Lora Miller, director of government affairs and public relations for the Ohio Council of Retail Merchants, spoke in support of the portion of the bill dealing with sales tax refunds or credits on bad debt associated with private label credit companies that provide services to retailers.

The current statute regarding sales tax refunds or credits on vendor bad debts "no longer reflects current practice" because many retailers use third-party credit companies, she said.

The sponsor of the current law "could not have foreseen that there would come a time when almost every retailer offering credit to consumers would contract with a private label card company to manage their credit services," Ms. Miller said.

Despite those arrangements "the retailer is still the responsible entity when it comes to advancing sales tax to the state on behalf of the consumer with the expectation that the consumer will pay their debt, which includes the sales tax. When a consumer defaults on an account, the spirit of the statute indicates that the retailer is due a refund or credit of the sales tax paid. Operationally, however, the language falls short when a private label credit card company is involved. House Bill 473 seeks to remedy this deficiency and update the statute to reflect current industry practice."

Ms. Miller said OCRM would bring in two experts to elaborate on the group's position and also provide written testimony in support from a number of large retailers doing business in the state.

Beth Wymer, executive director of the Ohio Wholesale Marketers Association and Chad Gummer, owner of Gummer Wholesale, spoke as proponents on the language in the bill allowing for bad debt refunds on cigarette and other tobacco product excise taxes paid when purchasers fail to pay the wholesaler and the unpaid amount is charged off as uncollectible.

"Despite front end credit checks with new retail accounts and monitoring of accounts for indications of potential payment problems on the horizon, wholesalers still deal with bad debt that includes the excise taxes the wholesaler is required to remit to the state but has not recouped from the retailer," she said.

The witness said the group's projections for what could be recouped by wholesalers under the bill is a small fraction of the revenue they provide the state.

By the end of this fiscal year, the state will have collected more than \$800 million in tobacco-related excise taxes collected at the wholesale level, Ms. Wymer said. By her calculations, based on feedback from members and comparisons to other states, the refunds allowed for under the bill would likely come in at less than \$200,000 per year.

The language in the bill is modeled after laws in other states and includes protections for tax revenue against fraudulent practices, she said.

"House Bill 473 requires that the request for a refund of tax paid be supported by evidence the commissioner requires by rule, including evidence that the wholesaler used reasonable collection practices in attempting to collect the debt," Ms. Wymer said. "It is worth noting that it is in wholesaler's financial interest to attempt to collect on the entire debt because the excise tax paid on the tobacco is just a fraction of the total product cost on the invoice."

Responding to a question from Rep. Sykes, the witness said some states have had similar refund laws on the books for several years but offered to provide more specifics in that regard.

Rep. Barnes asked what the industry is doing to address the issue. Ms. Wymer said her group provides education on how to deal with and avoid bad debt.

The lawmaker also questioned whether the proposed law change would leave the state open to fraudulent refund claims. The bill, Rep. Barnes said, appears to take the responsibility off the wholesaler to collect the bad debt and sets up a system that could become abusive.

Ms. Wymer said that's not the case because the excise tax amounts to only a fraction of the bad debt that's written off, with most of the cost being the product itself. She also stressed that wholesalers seeking the refunds - not credits - would have to submit proof to the state and the process would be monitored by ODT.

The economics of the transaction itself would deter fraud, she said. "It's only the excise tax portion and not the cost of the product itself. I just don't see that it would be economically feasible."

"You really could not profitably run a scheme" because the cost of the product is higher than the excise tax, she added.

Mr. Gummer a third-generation wholesaler with more than 90 employees in locations in Health, Fremont and Newark, provided an example of his business dealing with a retailer who began providing bad checks for tobacco products.

He detailed the extensive legal actions taken by his company to collect the debt.

"This one customer cost Gummer Wholesaler about \$28,000 in cigarettes, tobacco and other products that we will probably never get paid for and therefore we will never recoup the amount of the cigarette and tobacco excise taxes that we were by law required to send to the state. In addition, this one situation has cost us several thousand dollars in attorney fees," he said.

"When it comes to bad debt that we incur on cigarettes and tobacco, we are still on the hook to make sure the state gets the excise taxes even if the retailer doesn't pay us. Our write-offs for 2015 totaled over \$400,000 in merchandise across all of our product lines, which includes more than \$40,000 in cigarette excise taxes on 3011 cartons, and about \$7,550 in other tobacco product taxes."

Rep. Cera asked if there was a way to stop someone from reopening businesses after sticking someone with debt.

Mr. Gummer said the state has more licensing requirements for retailers who sell alcoholic beverages than exist for tobacco sellers even though tobacco brings in more state revenue. He suggested shoring up the tobacco retailer licensing system which he said currently entails "no real rules and regulations" regarding the transfer of such licenses, which are overseen by county auditors.

Agriculture & Rural Development

SBAGRITOURISM (Jones, S., Peterson, B.) To limit the authority of a board of county commissioners or **75** board of township trustees to prohibit agritourism through zoning, to apply current agricultural use valuation to land used for agritourism for property tax purposes, and to establish immunity in a civil action for agritourism providers. (**REPORTED**; 2nd Hearing-All testimony-Possible amendments & vote)

Brandon Kern, director of State Policy for the Ohio Farm Bureau, opted to not reiterate his prepared testimony for the substitute bill as he said it was virtually identical to what he offered when a companion bill (**HB 80**) was before the committee.

Mr. Kern said the Farm Bureau fully supports the development of agritourism as a means of a farmer/landowner wanting to diversity farming activities by connecting to consumers and getting them to visit the farming operations. He said the key features of the bill maintain limited liability protections, clarifying the inclusion of property in the current agricultural use valuation program and clearing up a "gray" area in giving local governments limited zoning authority where such zoning is deemed necessary to protect the public health and safety.

William Cackler, a 20,000 Christmas tree farm owner/operator in Delaware County and president of the Ohio Christmas Tree Growers Association, said agritourism allows farm owners to make a living farming on smaller acreages and to allow for less investment in equipment and other things necessary to run a successful farm business. He reminded the panel of the value and economic benefits of agritourism to both the state and to rural communities.

HCRHOPEWELL EARTHWORKS (Scherer, G.) To express support for the nomination of the Hopewell Ceremonial Earthworks as a United Nations Educational, Scientific, and Cultural Organization (UNESCO) World Heritage Site. (**REPORTED**; 2nd Hearing-All testimony-Possible amendments & vote)

Brad Lepper, Ohio History Connection archaeologist, said the Hopewell Ceremonial Earthworks nomination is a tremendous opportunity to put Ohio on the world stage as there are currently no World Heritage sites in the state. He said the resolution declares strong support from the Ohio House when the nomination is formally submitted to the United Nations Educational, Scientific and Cultural Organizations (UNESCO) within the next year to two. He said the sites demonstrate "outstanding universal value" to humanity.

Mr. Lepper said the seven sites in Ohio are unique and exceptional among ancient monuments worldwide in their enormous scale, geometric precision, astronomical alignments and broad geographic distribution. He continued the Hopewell Ceremonial Earthworks were the center of an influential network of interaction that linked together distinct societies scattered across half the continent.

"These enormous sacred places were built and used by societies without hereditary leadership or intensive maize agriculture. It is still a mystery how these societies were able to achieve what they did without these things. And that mystery is part of what brings the outstanding universal value to these sites," he told the committee in urging adoption.

The seven sites include two Ohio Connection-owned sites, namely the Newark Earthworks in Licking County, and the Fort Ancient Earthworks in Warren County, and five sites making up the Hopewell Culture National Historical Park in Ross County.

Energy & Natural Resources

HBWATER SYSTEMS (Ginter, T.) To establish requirements governing lead and copper testing for **512** community and nontransient noncommunity water systems, to revise the law governing lead contamination from plumbing fixtures, to make appropriations to the Facilities Construction Commission for purposes of providing grants for lead fixture replacement in eligible schools, and to revise the laws governing the Water Pollution Control Loan and Drinking Water Assistance Funds. (**CONTINUED (See separate story)**; 2nd Hearing-Proponent & opponent)

Subscribers Note: For full testimony, see the [committee's website](#) under May 3.

Commerce & Labor

HB HEALTH CARE PROFESSIONALS (Sykes, E.) To require certain health care professionals to complete **514** instruction in cultural competency. (**CONTINUED**; 1st Hearing-Sponsor)

Sponsor Rep. Sykes explained that cultural competency has become recognized as an integral component of healthcare because of its relevance in treating patients and eliminating health disparities among racial, ethnic and cultural communities. This includes, she continued, communication between the provider and the patient and a respect that is demonstrated for their culture.

Rep. Sykes said accordingly, the bill would require healthcare professionals to complete cultural competency training in order to receive or renew their license, certification or registration by the appropriate state board. Those subject to the bill's requirements are those seeking to practice or seeking to continue practicing as dentists, registered nurses, licensed practical nurses, optometrists, pharmacists, physicians, psychologists, independent social workers and social work assistants.

The sponsor went on to report that according to the U.S. Department of Health and Human Service's Office of Minority Affairs, culture is defined as integrated patterns of human behavior that include the language, thoughts, communications, actions, customs, beliefs, values and institutions of racial, ethnic, religious and social groups. She added that competency in serving diverse cultures suggests having the capacity to function effectively as an individual or organization with regards to the cultural beliefs, behaviors and needs presented by consumers and their communities.

Rep. Sykes noted that cultural competency training was recommended by the Ohio Commission on Infant Mortality as a means of reducing infant mortality rates in the state. She said in order to achieve health equity, barriers that prevent individuals from receiving quality care must be eliminated and requiring cultural competency training is an opportunity to assist healthcare providers in gaining the knowledge needed to successfully serve patients of all backgrounds and eliminate health disparities among all Ohioans.

Rep. Sykes added that research from the Health Policy Institute of Ohio indicates that African Americans and Hispanics are more likely than Caucasians to feel they have been treated disrespectfully during a health care visit and report that their doctor did not listen to everything they said, their did not fully understand their doctor or they had questions during their visit that they did not ask. "This type of miscommunication can be fatal," she declared.

The representative said only five other states - California, Connecticut, New Jersey, New Mexico and Washington - have required cultural competency as a part of their continuing medical education.

The bill is a companion to SB 33 by Sen. Tavares that is pending in the Senate Health and Human Services Committee.

HB REAL ESTATE SALES (Smith, R.) Relating to real estate brokers and salespersons. (**CONTINUED 532** (Informal Hearing); 1st Hearing-Sponsor-Pending referral)

Since the bill had not been officially referred to the committee, Chairman Young declared the sponsor's presentation would constitute an informal hearing on the bill.

Rep. Smith said the bill represents the work of a special task force created in 2012 by the Ohio Real Estate Commission to devise a plan for the modernization of the state's real estate licensing structure. He said the task force, comprised of brokers and agents from various sized residential and commercial companies, representatives from the Ohio Division of Real Estate and pertinent trade groups, recommended the establishment of three subcategories of broker licensure - principal broker, management level broker and associate broker - and two subcategories of sales licensure - management level salesperson and salesperson.

The sponsor explained the change would allow the Ohio Division of Real Estate to hold accountable the principal broker for supervisory duties and eliminate that responsibility from those who have earned a broker's license and wish to use that designation but not wish to have oversight responsibilities within a firm. Likewise, the change to the management level salesperson/salesperson designation differentiates between those with and without some supervisory duties.

The legislation also grants the Real Estate Commission disciplinary authority over any licensee who acts like a broker but does not have a broker's license to halt a recent occurrence arising where sales licensees are establishing de facto brokerages outside their affiliation.

Other changes written into the bill, as recommended by the task force, include three hours of continuing education concentrating on the duties of a broker to assist in their supervisory duties and allowing a principal broker to be a broker in more than one company to serve in a supervisory role for separate companies under one umbrella with proper disclosure. Also, there would be a doubling to 20 hours of the post licensure requirement for real estate licensees upon completing licensure.

Rep. Smith reported on two additional items in the bill that were not part of the task force recommendations. These include a codification of how a licensee handles contemporaneous offers and an expansion of opportunities for prospective licensees to gain the required pre-license coursework by allowing the courses to be taken on-line as well as in the classroom. Only institutions of higher education as regulated by the Department of Higher Education or the Ohio State Board of Career Colleges and Schools would be certified to offer the courses.

And courses taken to satisfy the pre-licensure would become credit-eligible courses. This would mean that students who take such courses as non-credit at a significant savings would later be able to convert the coursework for credit if they wish to pursue a degree at a later time.

As a compliance tool, the legislation would also allow the Department of Higher Education to review all courses and providers of pre-licensure education to ensure the quality of the course and appropriateness of the subject matter.

Rep. Smith announced the changes reflected in the bill have the support of the Ohio Division of Real Estate, the Ohio Real Estate Commission, the Ohio Association of Realtors and the Ohio Association of Community Colleges.

HCRWTO RULES (Burkley, T.) To urge the Office of the United States Trade Representative to ensure that no **10** World Trade Organization rules are violated in regard to government funding of the McInnis Cement and the Port-Daniel-Gascons cement plant in Quebec, Canada. **(REPORTED (No testimony); 3rd Hearing-All testimony-Possible vote)**

Due to a void in committee member attendance when the vote was taken, the resolution had some difficulty getting enough votes for approval. On a first tally, the resolution fell short of a majority, with a 7-1 vote as Rep. Brinkman cast a lone dissenting vote. However, votes to report the resolution were rounded up with Chairman Young holding the roll call open for 24 hours.

Insurance

HB SELF INSURANCE (Schuring, K.) To enable state colleges and universities to establish joint self-**416** insurance pools. **(CONTINUED; 1st Hearing-Sponsor)**

Rep. Schuring said the measure will clarify what joint self-insurance pools can entail by mirroring legislation guiding political subdivision pools.

"I think this legislation will provide a more efficient way for our state colleges and universities, and provide the necessary liability coverages that they need to be able to do it a way that will save our public institutions of higher education money and make it more efficient," he said.

There are currently 14 universities in an insurance pool, the sponsor told Rep. Henne. It's optional to join the pool and terms of membership are stated when the contract is entered into.

SB PRIOR AUTHORIZATIONS (Gardner, R., Cafaro, C.) To amend the law related to the prior **129** authorization requirements of insurers. **(CONTINUED (See separate story); 2nd Hearing-All testimony)**

Education

HB WEEK DESIGNATION (Patterson, J.) To designate the week prior to the week of Thanksgiving Day as **438** "Ohio Public Education Appreciation Week." **(REPORTED (No testimony); 2nd Hearing-Possible amendments & vote)**

HBESC PERFORMANCE AUDITS (Schuring, K.) To authorize the Auditor of State to conduct a **459** performance audit of an educational service center and to require a comprehensive performance audit of all educational service centers. **(CONTINUED; 1st Hearing-Sponsor)**

Audits of 55 schools in recent years have returned with suggestions for \$77 million in potential savings, making such performance reviews beneficial, Rep. Schuring said. Educational Service Centers would be the subject of similar performance audits under the measure.

The sponsor said ESCs are largely doing well at collaborating to improve purchasing and develop curriculum so the bill should not be taken as a criticism of their work.

"They're just doing a fantastic job, bringing in more efficiencies for their member school districts. This would be a tool so they can get optimal efficiencies at this time when we all know our budgets are finite," he said.

Rep. Schuring told Rep. Derickson that the audits cost about \$8,000 on average - an amount that would be covered by the ESCs.

The potential benefits related to savings recommendations outweigh the costs, he added.

The results of the audits could also be used by the State Board of Education and Department of Education to determine which ESCs are high performing and are eligible to receive additional funds provided in the biennial budget, he said.

The designation is based on ESC efficiency and collaboration resulting in cost savings and improved services as opposed to student achievement.

HB STUDENT ENROLLMENT (Thompson, A., Koehler, K.) To revise the requirements regarding student **481** enrollment reporting for public schools, mandatory student withdrawal policies, and scholarship program eligibility relative to students who choose not to take state assessments during the 2015-2016 school year and to declare an emergency. (**REPORTED-AMENDED** (See separate story); 2nd Hearing-Possible amendments & vote)

HB SCHOOL RATINGS (Cupp, R., Smith, R.) To review the value-added progress dimension measure used **524** for purposes of state report card ratings for school districts and schools. (**CONTINUED**; 2nd Hearing-Interested party)

Battelle for Kids Executive Director Jim Mahoney detailed the history of value-added and why he believes it is a necessary tool in determining how much growth students are showing.

Echoing last week's comment from the Department of Education, he said value-added results transcend socio-economic factors and "levels the playing field for all districts."

"The truth is, if we're only going to measure achievement, we don't need to give tests - we can simply look up zip codes because there's a strong relationship between average family income and student achievement. That has been affirmed over decades of research," Mr. Mahoney.

Many schools adopted value-added for data research purposes before it was included on state report cards, he said. Making it such a large part of teacher and school accountability has led to pushback, though.

"We have, in the minds of many educators, turned a tool they wanted into a weapon that they fear," Mr. Mahoney said. "The main value of value-added is having a metric that acknowledges growth and uses it to get better so we can identify what works and do more of it."

The decision about how much value-added should count for on report cards and in teacher evaluations should be left up to the General Assembly, he said, but suggested it shouldn't make up a significant portion of teachers' ratings.

Growth is relative to the scores other students received on state tests as well as where the individual student fell on the comparison chart in previous years, so teachers have to dig into the data to determine how they can improve their methods, he said.

The witness told Rep. Henne that there is always room to grow so it's a misnomer that students in affluent suburban districts that score higher than their peers on state tests can't grow much each school year.

"Some of the greatest gains have come from high achieving districts," he said.

Rep. Boyd questioned how it is that socioeconomic factors don't play into the value-added formula. Mr. Mahoney said the value-added data has shown no statistical correlation for socioeconomic backgrounds in ways that achievement measures do because it considers a student's individual history in a distribution.

Despite asking a number of questions about how value-added is calculated and what it's measuring, lawmakers said they remained largely confused about the indicator. For that reason, Chair Brenner asked members to email questions to Mr. Mahoney and suggested he provide testimony at a future meeting.

Presentation: Straight A Fund Executive Director Susan Zelman detailed the grant program, touting the success of innovative projects that have received funding.

Calista H. Smith, president of C H Smith and Associates, which was hired to evaluate the effectiveness of grant projects over a three-year period, also provided insight into how the projects are progressing and which models have been the most successful.

At the request of committee members, Ms. Zelman said she'll provide to the chair information about the nature of a \$2.9 million ECOT grant that was awarded in 2014.

Government Accountability & Oversight

HB AGRICULTURAL LAND (Hill, B.) To require that the computation of the capitalization rate for the **398** purposes of determining CAUV of agricultural land be computed using a method that excludes appreciation and equity buildup and to stipulate that CAUV land used for a conservation practice or enrolled in a federal land retirement or conservation program for at least three years must be valued at the lowest of the values assigned on the basis of soil type. **(CONTINUED; 2nd Hearing-Proponent)**

Brandon Kern of the Ohio Farm Bureau Federation testified in support, giving the panel a history on the development and purpose of the CAUV system.

He said the program acknowledges that agriculture is Ohio's backbone and recognizes that farmers are sacrificing potentially high-priced land sale opportunities in exchange for securing a lower tax rate.

Unlike other real estate, Mr. Kern said farmland is a direct production asset. Without CAUV, land values would soar and many farmers may be unable to continue their operations.

He said OFB conducted an extensive review of the CAUV formula and found that farmers have taken a significant tax hit in recent years. He said while farmers continue to pay more under the current environment, the group is more concerned with getting an accurate value in place.

Rep. Pelanda questioned whether the bill is needed, given recent changes that also impacted CAUV rates. Combined, those changes could generate a significant tax shift.

Mr. Kern said the change is important at this time because a downward trend in value could follow a lack of action.

Ted Finnarn of the Ohio Farmers Union also backed the bill. "The CAUV had served us well up to about 2009-2011, but has recently gone 'out of whack,'" he said. "We now have some of the highest farm real estate taxes in the United States."

"We all know that most recently the CAUV values have "sky-rocketed" tremendously over the past two or three years, with increases from one set of valuations to the next (every three years) of over 200-300%. This has resulted in unwarranted increases in farm real estate taxes, which jeopardizes Ohio's agricultural productivity

and threatens once profitable farming operations. One of the chief reasons for the CAUV value increase has been the extremely low interest rates that have been prevalent in the economy, that then find their way into the formula."

Joe Foster of the Ohio Cattlemen's Association also lent support.

"There is no doubt that CAUV has been Ohio's most important farmland preservation tool for more than 40 years," he told the panel. "However, as you have heard through testimony here, there is a need for targeted changes to the program. The CAUV formula's capitalization method includes factors that inflate the value of farmland by including assumptions that land value constantly appreciates based on real estate market factors that have nothing to do with agricultural production. OCA fully supports House Bill 398 as it will make the targeted changes needed to improve CAUV."

"The increases in CAUV are having a negative impact on their ability to maintain these conservation practices and provide some income for their farms," he continued. "At a time when environmental issues seem to be front page news on a daily basis, we should be incentivizing these practices. Instead, the opposite effect is taking place."

William Huston, who owns a fruit and vegetable farm near Dresden, detailed the impact that recent changes have had on his operation.

"Our real estate taxes increased a total of 40% from 2014 to 2015 tax years, however the percentage increase was 86% per parcel when all parcels were included, but when you remove the parcel with my home and buildings included, the agricultural land parcels increased by 102%," he said. "This increase has caused some real concern to our operation. The added cost cannot be easily absorbed into our cash flow."

Ron Ott asked the panel to create a simplified woodlands owner incentive plan. He said woodlands owners also have a significant tax issue, saying they are generally treated more unfairly than farmers.

Delaware County Auditor George Kaitsa testified as an interested party.

He said turmoil in financial markets tied to the great recession has significantly distorted the capitalization rate for CAUV. He said having artificially low interest rates tend to inflate the value of an asset

HB COMMISSION ELIMINATION (Brown, T.) To formally abolish certain boards and commissions that **471** have completed their work and to abolish the Compact with Ohio Cities Task Force. (**REPORTED-SUBSTITUTE**; 3rd Hearing-All testimony-Possible amendments & vote)

The panel adopted a substitute bill that Chair Brown said includes additional boards and commissions that would be retained for an extended period of time.

Officials representing the Capitol Square Review & Advisory Board, Ohio Commission on Minority Health and Ohio Judicial Conference all offered brief descriptions of their agencies that are scheduled to continue as a result of sub bill language.

William Carleton of CSRAB detailed his organization's role in maintaining and preserving the Statehouse and Capitol Square grounds, while Angela Dawson spoke about the OCMH's efforts to minimize health disparities among minorities. Mr. Tobin discussed the OJC's role in coordinating with and representing judges before various state agencies.

Cindy Klatt of the Office of Budget & Management also stressed the importance of retaining the State Audit Committee.

HB STATE CONTRACTING (Schuring, K.) To prohibit a state agency from contracting with a company that **476** is boycotting Israel or disinvesting from Israel. (**CONTINUED**; 3rd Hearing-Opponent)

A number of witnesses appeared at the committee to testify against the bill.

Sister Paulette Schroeder, a member of the Franciscan Community in Tiffin for 53 years, raised concerns the bill would prevent citizens from exercising free speech "for the sake of justice in the Middle East."

She detailed her experiences in the region, including the rage she felt when seeing Palestinian children being treated more harshly than Israelis. "I saw enough human violence to fill any decent moral person with rage," she said. "Though I suffered nothing in comparison to the Palestinians, I, too, experienced enough tear gas, rubber bullets shot into the crowds, being pushed to the ground by the military and frequent threats of the Israeli settlers."

Eleanor Gottesman, co-leader of the Cleveland Chapter of Jewish Voice for Peace, also testified in opposition.

"Regardless of where you stand on Israel and Palestine you should oppose this bill as a threat to the constitutional rights of the citizens of Ohio to protest, or to criticize the State of Israel without being called anti-Semitic and without being penalized in their business dealings with the State of Ohio," she said. "Some Jewish organizations, unfortunately, think Israel can do no wrong, and is above international law."

Gary Daniels of the ACLU of Ohio said the bill appears simple, but in reality is far-reaching, troublesome and potentially unconstitutional.

He said the bill blocks businesses from ending relationships with other businesses in Israel regardless of whether the company is controlled by the government. He said it is troubling that the bill doesn't detail how the state will enforce the law. "Will this involve subpoenas or demands for business records, emails and other internal communications?" he asked. "Will business owners and CEOs be called before a government committee to justify their business decisions?"

Eric Resnick, who described himself as a Jewish Canton resident, appeared in opposition.

He said the bill, "is about suppressing and punishing behavior that is protected by the First Amendment of the U.S. Constitution, the right to engage in non-violent protest against a government behaving badly"

"Bluntly, this should more accurately be called the 'Defense of Ethnic Cleansing Act,' a lame duck silly season bill that is ridiculously unenforceable and blatantly unconstitutional, pandering, and should be laughed out of the Statehouse on merit and politics. More importantly, it is offensive."

HB AGENCY RULEMAKING (Duffey, M.) To reform agency rule-making and legislative review thereof.
503 (CONTINUED; 1st Hearing-Sponsor)

Rep. Duffey said his measure would streamline and improve the state's rulemaking process to make it more business friendly.

The changes, he said, will make it easier for small businesses to monitor and comply with regulations while saving agencies that write the rules time and money.

The bill, he said, prohibits agencies from using informal policymaking rather than a formal rule process, and lets JCARR call agencies to testify on that issue. JCARR could also vote to direct agencies to develop rules rather than relying on policies.

Rep. Duffey said the bill also creates a new JCARR invalidation prong for excessive fees, and expands the definition of an adverse business impact.

Rep. Clyde asked about the administration's position on the bill.

Rep. Duffey said his sense is the administration isn't wild about the changes, but said that should be expected when the two branches of government are looking to enforce their authority. He added that a fiscal note indicates

the bill would have a minimal cost.

SB COSMETOLOGY LAW (Jordan, K., Tavares, C.) To make changes to the Cosmetology Licensing Law.
213 (CONTINUED-AMENDED; 3rd Hearing-All testimony-Possible amendments)

Rep. Green amended the bill to remove a \$10 fee for boutique registration services; clarify that shampooing should only be done under the supervision of a licensee; specify that an applicant for an instructor's license must have passed an exam and revert to current law for advance license training requirements

Rep. Curtin said the amendment also makes sure that related records will become public in due time.

Tony Fiore of the Ohio Salon Association testified in support, saying the key goal is to implement meaningful regulations that improve service quality and consumer protections.

Among other things, he said the bill should help reduce human trafficking by requiring education on the subject and puts government's focus on safety and sanitation.

SB ONLINE VOTER REGISTRATION (LaRose, F.) To create an online voter registration system.
63 (CONTINUED-AMENDED; 4th Hearing-All testimony-Possible amendments)

Rep. Pelanda won approval of an amendment that allows online voter registration, but not before January 1, 2017; removes language regarding political party registration; updates provisions regarding Board of Voting Machine Examiners' authority and clarifies the process by which local government vacancies could be filled by political parties.

Rep. Clyde said she was concerned by the "continued delay" of implementing online registration, especially with the expected high turnout of the 2016 presidential election.

"I don't see any reason to delay," she said. "This system is already built."

Chair Brown said Secretary of State Jon Husted shares those concerns, but said the concerns of committee members drove the selection of the date.

Rep. Pelanda added that the security of voter rolls are essential to the success of an election, and the change is something that many don't want to rush.

Rep. Clyde also saw an amendment to allow online registration by those who submit the last four digits of their Social Security numbers alone with a signature capture. She said language limiting the process to those with driver's licenses or state id cards is problematic.

Chair Brown said the bill is likely to be up for a vote next week.

Mr. Husted said in a statement he was "disappointed" that the online feature won't be available for the presidential election, but he appreciates lawmakers' work to get the law in place this year.

"Online voter registration is more secure, more convenient and more cost effective than paper registration, which is why I remain a strong supporter and why 35 other states already allow it," he said. "Moving this legislation forward is good for voters, good for taxpayers and good policy for Ohio. My administration will be ready to switch it on as soon as lawmakers give us the authority to do so."

Subscribers note: Full testimony is available on the committee's website under May 3.

Community & Family Advancement

HB CHILD ABUSE REPORTING (Sears, B., Ryan, S.) To make changes in the child abuse and neglect
493 reporting law. (CONTINUED (No testimony); 3rd Hearing-Opponent)

HBCHILD ABUSE REPORTING (Pelanda, D., Grossman, C.) To require mandatory reporters of child abuse **63** or neglect to notify the county public children services agency when an attorney in fact under a document that purports to grant parental rights requests services from them, to require the agency to investigate the child's placement with the attorney in fact, and to require the agency to file a dependency complaint if it determines that the placement is unsafe for the child. **(REPORTED; 7th Hearing-All testimony-Possible amendments & vote)**

The committee unanimously reported the bill, though some Democrats still expressed concerns that it could have unintended consequences for families who take in children with good intentions.

Rep. Boyce said he was not going to offer an amendment to the bill, but reiterated his concern that the proposal might punish good samaritans.

"I just want to be mindful of the good samaritans that step in to fill the void" left by parents, he said.

Rep. Howse said it's important for lawmakers to consider unintended consequences.

"I just think we definitely have to keep these things in mind, specifically to have a full understanding of how justice is carried out in our communities," she said.

Chair Rep. Ginter said Rep. Boyd is working on legislation that could help ease those concerns.

State Government

HBTRANSPORTATION LAWS (Young, R., Sweeney, M.) To require the Public Utilities Commission to raise **341** the existing statutorily designated towing and storage fees annually by the percentage increase in the consumer price index, to establish a \$35 fee for the retrieval of nonmedical personal items from a motor vehicle, to modify the civil penalties applicable to violations of the towing law, to modify the calculation of the value of an abandoned vehicle to which a towing service or storage facility seeks to take title, and to make other changes to the towing law. **(CONTINUED-AMENDED; 6th Hearing-All testimony-Possible amendments & vote)**

The measure was amended to change how storage fees are accrued; prohibit a towing service from removing a vehicle from a private tow-away zone without a written contract with the owner; prohibit a towing service from providing a "kickback" to the property owner; require a court that issues a judgement against a towing service to send a copy of the notice to the Public Utilities Commission; require towing services to notify vehicle owners of their right to take civil action if they believe their vehicle was improperly towed; and require towing services to accept credit card payments for "drop fees."

Rep. Sweeney described the last two amendments as "consumer friendly."

Jim Shriner, co-owner of Broad and James towing, told the committee that the measure has the "ability to cripple our industry."

"This is not abstract rhetoric," he said.

One provision of the bill that requires notification to the owner of a vehicle within five days of towing would be nearly impossible to comply with, he said, noting that sometimes his company tows as many as 100 vehicles per day.

HB POLICE DOGS (Schuring, K., Slesnick, S.) To prohibit a person from intentionally killing a police dog **447** in the line of duty. **(CONTINUED; 1st Hearing-Sponsor)**

Sponsoring Rep. Schuring told the committee that the measure came about after the death of a police K-9 in Canton that was responding with his handler to a burglary call.

"The burglar ambushed the officer and his dog and intentionally shot the dog three times," he said.